

# LINO REGAL—AB 1

## FUND FOR THE REPUBLIC

The Fund for the Republic was created by the Board of Trustees of the Ford Foundation on October 4, 1951. The background and objectives to be followed by the Fund were contained in an officers' docket to the trustees. Conceding that the objectives of the Fund were under continuing consideration and subject to revision, they were to "help promote within the United States security based on freedom and justice."

In carrying out this program, the Fund was directed to take into account:

(a) The danger to the national security from the persistent Communist attempt to penetrate and disrupt free and peaceful societies;

(b) The danger to national security arising from fear and mutual suspicion generated by international tension;

(c) The danger to the national security arising from fear and mutual suspicion fomented by shortsighted or irresponsible attempts to combat communism through methods which impair the true sources of our strength;

(d) The need to understand and vindicate the spiritual and practical significance of freedom and justice within our society which are enduring sources of its strength; and

(e) The need to dedicate ourselves anew to the demonstration within America of a free, just, and unafraid society at work.<sup>1</sup>

<sup>1</sup> See Fund docket, October 1951, pp. 8, 9.

By July 1952, Paul G. Hoffman and Robert M. Hutchins, the officers of the Foundation, knowing the controversial nature of the Fund which they had conceived, proposed additional appropriations of between \$9 and \$14 million. In the docket to the trustees dated July 15-16, 1952, the officers pointed to the highly controversial nature of the problems with which the Fund for the Republic would deal and noted that the Fund should not be put in the position of having to come back to the Foundation for funds "in an atmosphere of adverse criticism."<sup>2</sup>

<sup>2</sup> See Fund docket, July 15 and 16, 1952, p. 2.

The Fund for the Republic was not formally created until December 9, 1952, yet its program was being laid down for it in July. This program, conceded to be controversial, was based on the findings of facts set forth in October 1951. To prove these findings, the Ford Foundation, in the Hoffman-Hutchins docket of July 15-16, 1952, established the areas in which the Fund was to operate.

That the Fund for the Republic was to be an action organization rather than one designed to educate is also documented through such statements as:

Events since October 1951, make the Fund for the Republic no less necessary than it was when it was authorized. On the contrary, some of the movements and attitudes that it was designed to combat seem to be gaining strength. Private censorship accompanied by organized boycotts is spreading. The loyalty procedures of the Government are causing much difficulty. Colleges are having more and more trouble with groups that demand that all teaching be completely orthodox and that free discussion on the campus be inhibited. Minority groups are handicapped or menaced by prejudice.<sup>3</sup>

<sup>3</sup> See Fund docket, July 15 and 16, 1952, p. 5.

## ILINO REGAL—AB 2

The Ford Foundation and the Fund for the Republic have consistently denied that the Fund was created to combat or to condemn.

How hollow a claim, in light of its charter: to learn the nature of the activities which the Fund was interested in combating, we need not look further than its charter outline, namely, the docket.

The Hoffman-Hutchins docket set forth its interest:

\* \* \* The conduct of legislative hearings, government loyalty procedure, private censorship, loyalty oaths, due process of law, academic freedom, democracy in labor unions, free speech and free assembly, the status of migrant workers, racial and religious discrimination, the regulation of immigration and of travel of American citizens to foreign countries, and the freedom of mass communications.<sup>4</sup>

<sup>4</sup> See Fund docket, July 15 and 16, 1952, p. 3.

A study of the interest of the Fund leaves confused the identity of the movements or attitudes the Fund was designed to combat. Only the direction of the Fund's inquiry into each field, together with end product establishes the true purpose for which this Foundation was established. The Hoffman-Hutchins docket asserts that these inquiries "rest on the Bill of Rights and other amendments to the Constitution." To support this assumption, the docket restates the guarantees of the Bill of Rights as set forth in Articles 1, 4, 5, 6 and 8, together with the 13th and 14th amendments. This recitation of the constitutional provisions is set forth as though the individual has absolute rights. It ignores Supreme Court interpretation such as the "clear and present danger" restriction upon the first amendment freedom.

Article V of the amendments to the Constitution prohibits the state from denying one being tried for a crime "assistance of counsel for his defense." This article does not constitutionally require the state to provide such counsel. The desire upon the part of the people and the courts to obtain counsel for defendants stems from a moral desire for justice rather than a constitutional guarantee. But even the phrase "assistance of counsel" cannot be interpreted as does the Hoffman-Hutchins docket which reads: "One of the first requirements of due process of law is that the accused have competent counsel." To the advocates of the Fund, however, this interpretation was necessary for the recommendation;

the Fund, therefore, might make arrangements, perhaps through organizations like the American Civil Liberties Union, the National Association for the Advancement of Colored People, or the National Legal Aid Society, for legal assistance in appropriate cases. Article VI refers to all defendants, not to "appropriate cases" as set forth in the docket. Here again the intent of the Fund is clouded, but it is clear that any activities in this area are actionable rather than educational.

The docket of July 15, 16, 1952, calls for additional activities which are certainly not educational. It calls for the Fund to "make awards to educational institutions that have withstood attacks upon academic freedom." The docket also assumes that there is a constitutional guarantee to specific employment and recommends

since the threat to the individual who holds, or is accused of holding, minority opinions—or, in some fields, to one who is merely "controversial"—is the loss of his job, the Fund could try to work out methods by which such persons might be supported for limited periods.

What is meant by an individual holding a "minority opinion" or one described as "controversial"? What is meant by "defense of academic freedom"? Historical notice of American development since World War II designates these phrases as related to the defense of the Communist Party of the United States and its members.

The fields set forth as the areas of activities of the Fund would seem to confirm that it truly was the Communist Party about which the Hoffman-Hutchins docket was concerned. Certainly legislative



## LINO REGAL—AB 3

hearings, Government loyalty procedures, private censorship, loyalty oaths, academic freedom, regulation of immigration, and travel of American citizens to foreign countries were concerned solely with the international conspiracy of which the Communist Party of the United States was a part. It therefore appears that the Fund for the Republic was created to concern itself with the restrictions placed upon the Communist Party of the United States and its membership. Through this interest, was the Fund for the Republic to engage in an objective study of this conspiracy in order to educate the people and institutions of the United States or was it to establish through biased studies the assumptions of Hoffman and Hutchins that "movements and attitudes that it [Fund for the Republic] was designed to combat seem to be gaining strength"? Are these "movements and attitudes" those which oppose communism which described the October 1951 docket as:

The danger to the national security arising from fear and mutual suspicion fomented by short-sighted or irresponsible attempts to combat communism through methods which impair the true sources of our strength.

The Fund for the Republic was incorporated under the Membership Corporation Law of the State of New York on December 9, 1952, the original incorporators being Albert W. Driver, Jr., Henry W. de Koshian, Frederick W. Jaqua, William C. Schaab, and Gustave J. Soderberg, Jr., all of New York.

The first meeting of the Fund for the Republic, Inc., was held on December 10, 1952, with William C. Schaab acting as chairman and Frederick W. Jaqua acting as secretary. After disposing of the technicalities of incorporation, the three original incorporators, Messrs. Jaqua, Schaab and Soderberg, unanimously elected as members-directors the following persons selected by Robert M. Hutchins:

James Brownlee, business executive, Fairfield, Conn.  
Malcolm H. Bryan, president, Federal Reserve Bank, Atlanta, Ga.  
Huntington Cairns, lawyer, author, officer of National Art Gallery, Washington, D. C.  
Charles W. Cole, president, Amherst College, Amherst, Mass.  
Russell L. Deacon, attorney, St. Louis, Mo.  
Richard J. Finnegan, consulting editor, Chicago Sun Times, Chicago, Ill.  
Erwin N. Griswold, dean, Law School, Harvard University, Cambridge, Mass.  
William H. Joyce, Jr., chairman of the board, Joyce, Inc., Pasadena, Calif.  
Meyer Kestnbaum, president, Hart, Schaffner & Marx, Chicago, Ill.  
M. Albert Linton, chairman of the board, Provident Mutual Life Insurance Co., Philadelphia, Pa.  
Jubal Richard Parten, president, Woodley Petroleum Co., Houston, Tex.

Following these elections, each of the original incorporators resigned and were replaced by:

David F. Freeman.  
Elmo Roper, Elmo Roper & Associates, New York, N. Y.  
George N. Shuster, president, Hunter College, New York, N. Y.  
Eleanor Bumstead Stevenson, Oberlin, Ohio.  
James D. Zellerbach, president, Crown Zellerbach Corp., San Francisco, Calif.

Paul G. Hoffman, president and director of the Ford Foundation, was present at the organization meeting and acted as its adviser. On the suggestion of Mr. Hoffman, the Fund created a planning committee which consisted of Messrs. Erwin N. Griswold, chairman, Brownlee, Cairns, Cole, Linton, Roper, and Shuster.

In addition to advising the newly elected board of directors, Paul Hoffman was apparently discussing with them the possibility of his contemplated resignation from the Ford Foundation and his desire to rear the Fund which he and Robert M. Hutchins conceived. At a meeting of the board of the Foundation on February 4, 1953, Hoff-

## LINO REGAL—AB 4

man, before discussing his resignation from the Foundation, advised that the board of the Fund had suggested that he serve as chairman of its board. The trustees interposed no objection to Hoffman's accepting chairmanship. To support his move, they agreed to consider additional appropriations for the Fund at their next meeting. This meeting was held at Pasadena, Calif., on February 23-26, 1953. This meeting resulted in an additional appropriation, which brought the total grant to the Fund for the Republic to \$15 million.

The trustees were apparently dubious of much of the program of the Fund. They certainly had questions as to whether its activities would qualify it under the tax-exempt provision of the law, specifically section 101 (6) as amended. The resolution of the trustees, after setting forth as a condition of the grant the obtaining of tax exemption by the Fund, further provided:

If the Fund shall at any time lose its tax-exempt status within the provisions of said section 101 (6), as amended, as determined by final judgment of a court of competent jurisdiction, the Fund shall promptly on request of the Foundation pay over to the Foundation the balance of the amount of the above grant \$15 million then held by the Fund, less an amount necessary to pay or provide for the then liabilities of the Fund, and provided that if at any time the Fund receives a ruling that it has lost its tax-exempt status it will not, pending any appeal, and except as otherwise agreed with the Foundation, make any new commitments until the question as to its tax-exempt status is disposed of.<sup>5</sup>

<sup>5</sup> Exemption application March 20, 1953 (Notes to financial statement).

Thus the creation of Messrs. Hoffman and Hutchins was endowed. It was now ready to do battle with those "movements and attitudes" that it was designed to combat.<sup>6</sup>

<sup>6</sup> See Fund docket, July 15 and 16, 1952, p. 5.

The Members of the House of Representatives have been concerned for many years with the growth of tax-exempt organizations and foundations. They have observed legislation, designed to promote religious freedom and independence, as well as education and research to strengthen the United States, being used to finance and support subversion. Tax-exempt organizations today represent national wealth in excess of \$65 billion.

Organizations such as the Joint Anti-Fascist Refugee Committee accumulated over a million dollars which, as tax-exempt funds, were used to finance international subversion. This Communist committee, together with over a dozen additional Communist organizations, lost its exemption in 1947. Communist schools, such as the California Labor School and the Samuel Adams School of Boston, also lost their tax exemption following the finding by the Attorney General of the United States of their subversive nature.

Executive and congressional investigations had obtained information that tax-exempt foundations, not under the influence of the Communist Party of the United States, were being used to support programs of the Communist Party or its international espionage agents. Armed with this knowledge, the House of Representatives created special committees charged with the responsibility of investigating the operation of tax-exempt organizations. In addition, the Ways and Means Committee of the House and the Finance Committee of the Senate made studies which resulted in revisions of the law in 1954.

The last of the special committees was the Select Committee To Investigate Tax-Exempt Foundations and Comparable Organizations. Known as the Reece committee, its jurisdiction expired at the close of the 83d Congress in 1954. In the 84th Congress, the House of Representatives did not re-create this special committee. In appropriating funds to operate the Committee on Un-American Activities, it was the sense of the House that this field of investigation was properly the jurisdiction of the Committee on Un-American Activities.

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## LINO REGAL—AB 5

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Petitions received by the House of Representatives during the 84th Congress calling for investigations of subversive activities of foundations were referred by the Speaker of the House to the Committee on Un-American Activities. The committee was also directly petitioned by individuals and organizations. Starting in June 1955, a large volume of petitions were received calling for an investigation of the Fund for the Republic. In September 1955, the National Commander of the American Legion called for such an investigation and at the same time called upon the 3 million Legionnaires to have no association with the Fund for the Republic. In calling for this investigation, Commander Collins stated that the Fund, "by shrewd grants and expenditures, is threatening and may succeed in crippling the national security. One apparent line of attack is to persuade Americans that communism is not, and never has been, a serious threat to the United States." Indicting the Fund as being a propaganda vehicle, Collins also stated: "This propaganda is considered by the American Legion to be as dangerous as it is untrue, but we recognize that even such propaganda as that being disseminated by the Fund for the Republic can be sold to many Americans when millions of dollars are behind the sales effort."

\* American Legion press release, September 12, 1955.

Commander Collins was charging the Fund not only with activities which aided and abetted American communism but, if true, with actions which disqualified the Fund for the Republic as a tax-exempt organization. So deep was the Legion's feelings on the Fund, that later at its 1956 national convention it adopted the following resolution:

### 1956 NATIONAL CONVENTION OF THE AMERICAN LEGION HELD IN LOS ANGELES, CALIF., SEPTEMBER 3-6, 1956

#### RESOLUTION NO. 85

Committee: Americanism.

Subject: Continue congressional hearings on Fund for the Republic and revoke its tax-exemption status.

Whereas the American Legion continues its opposition to the Fund for the Republic and its questionable activities; and

Whereas the House Committee on Un-American Activities has conducted hearings on the Fund for the Republic and its activities; and

Whereas the Fund for the Republic continues its propaganda activities and enjoys the privilege of tax exemption: Now, therefore, be it

*Resolved*, That the American Legion in national convention assembled in Los Angeles, Calif., September 3-6, 1956, commends the House Committee on Un-American Activities for its timely hearings on the Fund for the Republic, and urges the Congress to appropriate sufficient funds for continuing the hearings; and be it further

*Resolved*, That the necessary steps be taken by the Congress and Secretary of the Treasury to revoke the tax-exemption status of the Fund for the Republic; and be it further

*Resolved*, That the national commander make appropriate presentations to the Congress and Secretary of the Treasury regarding the Fund for the Republic, and that the commander's report be widely disseminated over the United States.

An investigation of the Fund was initiated for the purpose of determining the facts. This probe was to have a twofold purpose; first, to determine the nature of the Fund, including its aims and objectives, and second, to examine the administration by the Internal Revenue Service of its lawful responsibilities in administering the tax-exempt status.

In initiating the investigation, the committee recognized that inquiry into certain activities of the Fund for the Republic would re-

## LINO REGAL—AB 6

quire departure from its usual type of inquiry. The committee was fully aware of the finding of the Select Committee To Investigate Tax-Exempt Foundations, that foundations, including the Fund, were expending—

great sums of tax-exempt money in the political field by biased individuals whose public utterances brand them as wholly incompetent to conduct a fair and objective inquiry, or grants of money in public interest.<sup>8</sup>

<sup>8</sup> Reprinted from the Congressional Record, July 21, 1955, speech of Hon. W. Carroll Reece, of Tennessee.

The committee was not inquiring into the Fund because it suspected it to be subversive, or communist infiltrated. Neither were we inquiring into the views and associations of certain individuals as such, who were involved in the operation of the Fund. The committee was concerned with the activities of the Fund because we had reason to believe that in setting up certain projects, there had been an attempt to hamper the functioning of security mechanisms aimed to secure us in our life-death struggle with Communist totalitarianism. We had reason to believe that these projects were not set up for the purposes of making an honest inquiry, but were set up in a manner and form to support a priori judgment designed to harm the security of our Government. In undertaking the investigation we were aware of the findings of other committees of the House.

We do not mean to indicate that citizens do not have the right, without fear of official coercion, to disagree on even the most fundamental questions concerning civil liberties and security. We also do not mean that a citizen or even a noncitizen resident of the United States does not have the right to speak against the government. We agree and support the much quoted phrase from Thomas Jefferson's first Inaugural Address: "If there be any among us who wish to dissolve this union, or change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it." We do not agree with those apologists for the international Communist conspiracy, that Jefferson was speaking for the right of a concealed conspirator. The free market place of ideas is where the Communist puts forth his advocacy as a Communist, clearly labeled. It ceases to be a free market place where the Communist puts forth his ideas with both himself and his ideas labeled as Democrat, Republican, teacher, doctor, business leader, or trade union official. However, we feel that a body existing by virtue of its tax status, is deserving of attention. In this context, individuals are considered not as individuals but as pawns in the organization or operation of the tax-exempt entity.

The committee, since its announced intent to conduct this investigation, has experienced a form of attack from the Fund similar to its attack on other individuals and organizations who have expressed an interest in the nature of the Fund for the Republic. Before proceeding further, we desire to dispose of the form of this attack because it relates to the directors of the Fund for the Republic.

When the chairman of the Committee on Un-American Activities questioned whether the Fund was a "friend or foe in our Nation's death struggle against the Communist conspiracy,"<sup>9</sup> the Fund accused

<sup>9</sup> New York Times, June 11, 1956.

the chairman and the committee of impugning the loyalty and integrity of the members of the board. Two commanders of the Legion, as well as others, had previously been accorded the same propaganda technique. The Fund, through such releases, accuses the committee of citing the directors as Communists or fellow travelers. Neither this report nor any statement made in the past, has leveled such a charge, nor do we even hint at such an affiliation. A few directors cannot deny that they have long held views in opposition to the Federal loyalty-security program or were directly affected by questions related to the employment of identified Communists.

The directors of the Fund are entitled only to such criticism as results from their permitting the officers of the Fund to run its operations. This report will detail many actions by the officers which

## LINO REGAL—AB 7

were taken without consultation with the directors. At this point, let us examine one action of the officers which in effect ignored and reversed an official action of the directors. At a meeting of the directors held on November 18, 1954, the officers discussed approval of a series of pamphlets. This proposal was not clear to the directors so they authorized the officers to commission the preparation of a pilot pamphlet. At a meeting of the executive committee on December 9, 1954, Hutchins reported that:

Richard Rovere had been requested by the officers to prepare a pilot pamphlet for board consideration, as an example of the type of publication which the Fund might undertake under the title "Occasional Papers."<sup>10</sup>

<sup>10</sup> Copy of minutes of the December 9, 1954, meeting.

Between this December meeting and a meeting in April 1955 Rovere completed his pamphlet and it was submitted to the directors. The directors rejected the pamphlet and at a meeting of the executive committee on April 7, 1955, it was announced by W. H. Ferry, vice president of the Fund, that the pamphlet had been returned to the author. The minutes quote Ferry as reporting that the pamphlet written by Rovere "had been returned to Mr. Rovere, who subsequently sold it for publication by Harper's Magazine." Rovere's article appeared in the May 1955 issue of Harper's under the title of "The Kept Witnesses." Apparently even before the article appeared on the newsstand the officers of the Fund, without advice from the directors, contracted for 25,000 reprints. In the name of the Fund for the Republic, this reprint was mailed to labor officials and business executives. "The Kept Witnesses" attacks the technique of the Federal Bureau of Investigation in placing undercover agents within the ranks of the Communist Party. It attacks the use of former Communist Party members by the Department of Justice in Communist trials and proceedings. It attacks the use of undercover agents and former Communists in Federal loyalty proceedings. These attacks are built around the theme that these persons are, as the title states, kept witnesses—witnesses who testify, not in accordance with the truth but in accordance with directives which they receive from the Department of Justice and the Federal Bureau of Investigation.

The Fund report of 1956, classifies "The Kept Witnesses" as relating to due process. It reads merely:

The Kept Witnesses by Richard H. Rovere. Article. Harper's 25,000 copies, labor officials, business executives."

<sup>11</sup> The Fund for the Republic 3-year report, p. 58.

The report is silent with respect to the rejection of "The Kept Witnesses" as a pamphlet of the Fund. It is also silent with respect to the fact that it was distributed as a reprint, in the name of the Fund, by the officers without consultation or approval by the directors.

The directors cannot shrink from their responsibility in this and other actions of the Fund which will be dealt with in this report.

The handling of the Rovere article suggests a procedure adopted by the Fund to circumvent the tax-exempt regulations and directives dealing with propaganda activities. Treasury regulations provide that the publication of books or the giving of lectures advocating a cause of a controversial nature would not of itself be sufficient to deny an organization the exemption. The question is often raised as to whether the action of the Fund in handling the Rovere article as a reprint from Harper's, rather than as a pamphlet of the Fund, constitutes an attempt to defraud.

While on this subject, the committee desires to call attention to the following language which appears in the law relating to tax-exempt organizations:

Its net earnings must not inure in whole or in part to the benefit of private shareholders or individuals.

The present chairman of the board of directors is Elmo Roper. Mr. Roper in 1953, while a member of the board, but prior to his chairmanship, was the sole owner of a public opinion gathering company. He was also chairman of a committee of the directors known as the "Internal Communist Menace Committee."

## LINO REGAL—AB 8

Roper's committee recommended a public opinion survey as a means of carrying out a part of the Fund's announced intention to determine the extent of the internal Communist menace. Samuel A. Stouffer was appointed director. At a special meeting of the directors held on June 16, 1953, the Stouffer project was discussed. Stouffer, at this meeting, expressed the desire to use Roper's company. The propriety of such action was resolved by the unanimous vote of the directors that, "Professor Stouffer should select another organization \* \* \*". Thereafter \$23,119.68 was paid to Audience Research, Inc. (Gallup), Princeton, N. J., and \$20,573.77 to National Opinion Research, University of Chicago. Roper's company thereby lost an income of between \$22,000 to \$43,000.

Over a year later the Fund again decided to use a public opinion technique to prove its point, this time in connection with its "Fear in Education" project. At a directors meeting, held on September 15, 1954, Paul Lazarsfeld, the project director, indicated his intention to use Roper's company. The directors approved the use of Roper's company. Apparently the propriety of the action was questioned because the directors at this annual meeting of November 8, again considered this employment. The minutes read:

The board reaffirmed its action, taken at the September 14 meeting, authorizing the employment of Elmo Roper's organization in connection with the study of fear in education under Professor Lazarsfeld's direction.

\$41,788.01 was paid to Roper's firm by the Fund for the Republic. Was the Fund, with forethought, deliberately violating the law? This appeared to be the case until the committee located an article on page 37 of the New York Times of January 17, 1955. This article reports that Roper's firm has changed from a single proprietorship to a partnership. When did the change take place and did the directors of the Fund know the reason for this change when they reaffirmed the employment of Roper's firm on November 18, 1954? Was the change designed to circumvent the law? The committee questions the propriety of this expenditure. It should also be pointed out that Louis Harris, the codirector of the "Fear in Education" project was an employee of Roper's firm when first appointed as codirector. Also, that with the change, as was reported in the Times, he became a partner in Roper Associates. Harris' income which was in excess of \$3,000 is not included in the \$41,788.01 which was paid directly to Roper's firm.

(The Fund for the Republic was created by the Ford Foundation in October, 1951.)

Irvn Ross, writing a portrait of Robert M. Hutchins in the New York Times stated that Hutchins had conceived the Fund. In part V of the portrait which was based on personal interviews, Ross wrote:

Hutchins conceived of the Fund after he went to work for the Ford Foundation as an associate director in 1951. He drew up a list of prospective board members; other names were added by his friend Paul Hoffman, then president of the Foundation \* \* \*

The effort was made to get a conservative board, men not "tagged" as civil liberties crusaders, as Hoffman put it, though men who felt deeply about the matter. Hutchins wanted a conservative board as protection against attacks from the McCarthyite right. "We didn't anticipate attacks from the left," he told me.<sup>12</sup>

<sup>12</sup> New York Post, February 24, 1956.

The Fund was born on December 9, 1952. By 1955, it had grown sufficiently to report on this growth and to tell what it had learned or accomplished during its almost two and one-half years of existence. In making its report on May 31, 1955, the Fund did not report for itself but was spoken for by its creator, Robert M. Hutchins. Hutchins, who was vice president of the Ford Foundation during the Fund incubation, was president of the Fund for the Republic when he reported on May 31, 1955.

## LINO REGAL—AB 9

Speaking for his creation Hutchins, as we can see by comparing the records of the Ford Foundation, misrepresented the conception of the Fund, together with the goals it was created to achieve. Speaking of its findings, he set forth facts on subjects on which his creation had conducted no research. "A political party in this country has been identified with the 'enemy'", wrote Hutchins in the name of his creation, the Fund. He continued, "Those associated with this party have therefore come under suspicion as an imminent danger to the state."<sup>13</sup>

<sup>13</sup> Report of the Fund for the Republic, May 31, 1955, p. 11.

To what "political party" and what "enemy" was Hutchins referring?

It did not seem logical that the political party reference was intended to apply to the Democratic or Republican parties because it was tied into the "enemy." The only enemy existing in 1955 was the Communist dictatorship of the Soviet Union and even the Socialist Party of the United States rejects this. The Communist Party of the United States called itself a political party and its subservience to the Soviet Union had been documented historically. The Communist Party interpreted "political party" as meaning itself and quickly used it to support those Communists who were under indictment or who had been convicted under the Smith Act. In a booklet published by the Communist-controlled Civil Rights Congress, on October 1955, they quoted from Hutchins' report of May 31, 1955, as it appeared in the first report of the Fund for the Republic.

The first grant of funds made by the Fund was to the "Special Committee on Individual Rights as affected by National Security" of the American Bar Association. The Fund report reprints its recommendations to the American Bar Association relative to Congressional Committee Rules of Procedure. The Bar Committee conducted research and made findings. Hutchins in his direction of the Fund has not disseminated its report of findings and as a matter of fact rejects many of them if we judge him by his "political party" phrase. The Special Bar Committee found:

a militant world communism threatens both the internal and the external security of the Nation. The nature of the threat is now clearly defined for all to see \* \* \*. Internally, the Communist conspiracy seeks to weaken and divide the Nation.<sup>15</sup>

<sup>15</sup> American Bar Association, Report on Congressional Committees, p. 1.

Robert M. Hutchins has never denied that the Communist Party was the organization he designated as a political party. Neither did the Fund, itself, until 1956, when a press release was issued by Frank K. Kelly, a vice president. Kelly's release was in answer to a speech by United States Senator John C. Stennis. Stennis in his attack on the Fund has referred to its classification of the Communist Party as a political party. Kelly declared: "The Fund has never, and let me repeat, never declared that the Communist Party is just another political party."<sup>16</sup> Yet the opposite is found in the portrait of Robert M.

<sup>16</sup> New York Times, August 7, 1956.

Hutchins, which was based on personal interviews and which appeared in the New York Post in February 1956. In the February 23 installment we read, "Today Hutchins has no hesitancy in describing the Communist Party as 'identified with the enemy.' \* \* \*"<sup>17</sup>

<sup>17</sup> New York Post, February 23, 1956, p. 16.

Concealment of the full facts, ambiguous statements intended to infer items easily disputed, impugning the motives of opposite positions, and false statements, are a part of the trademark of propagandist. The Congress in enacting the Internal Revenue Act of 1954 and Treasury regulations issued under the authority of the act were expressly concerned with denying tax-exempt privileges to propagandists.

The regulations dealing with qualifications for tax exemption under 501 (c) (3) reads:



## LINO REGAL—AB 10

To qualify as an exempt educational organization the methods employed by it must in fact be educational. Thus not only the purpose, but also the activities of such an organization must be designed to disseminate knowledge and basic factual material rather than unsupported opinion. The fact that an organization has a particular viewpoint or takes a particular position, with respect to the subject or subjects presented by it, and that it openly advocates such position, will not of itself operate to deny exemption if in its presentation of the subject or subjects there is a full exposition of the facts upon which the advocated position is premised whereby the individual or the public may form independent opinions or conclusions based upon a fair presentation of pertinent factual material. Conversely, exemption may not be allowed under this section to an organization whose principal function, accomplished through its publications, lectures, or other media, is the presentation of opinion without pertinent facts which would permit the individual or the public to reach independent and informed conclusions.

The Fund's first financed study, complete with its findings, was the special committee report of the American Bar Association. Let's review some additional findings of the special committee of the bar and compare the findings with those of the Fund as represented by Hutchins in his report of May 31, 1955. In examining Hutchins' statements we should bear in mind that the Bar Committee found, "*The nature of the threat is now clearly defined for all to see.*" Dealing with congressional investigations the Bar Committee found:

<sup>24</sup> The "Crimes" of Claude Lightfoot and Junius Scales, p. 2.

\* \* \* Our study shows that the overwhelming majority of investigations are conducted with decorum and decency, without fanfare or self-seeking \* \* \*. Page 7.

\* \* \* Many exposures by this Committee (Un-American Activities) were desirable and, in the end, some legislation and reforms in the executive department resulted. Page 15.

\* \* \* A study of recent hearings discloses that Committee members have been subjected to vituperative tirades by individual witnesses who showed little respect for or loyalty to the government of the United States. These uncooperative witnesses apparently were interested only in hamstringing the operation of the committee. The right to make a statement has sometimes resulted in violent lectures instead of a responsive answer. Such witnesses frequently refuse to give names and addresses under the guise of the fifth amendment. Page 21.

\* \* \* Thus, there can be no doubt that congressional investigations originally played a large part in arousing the public to the Communist threat and to its secret and devious methods of operations. Page 23.

\* \* \* We are unable to agree with those who say that an investigative committee may never inquire into private opinion and belief \* \* \*. Thus, for the purpose of considering legislation or the execution of existing laws, it is proper to ascertain whether those who support a foreign power are employed in defense plants or in Government agencies \* \* \*.

The Fund paid for the research which produced the above findings but they were apparently rejected by the Fund. Hutchins wrote as factual:

In view of the weapons now available and of the examples of subversion that other countries have offered, the danger has seemed great, though often mysterious and intangible. It has appeared that the peril to the country could be dealt with only by methods that drastically departed from those which have characterized Anglo-American jurisprudence.

The range of suspected persons has been enormously extended by resort to guilt by association. The evidence offered to show that a man is a danger to American institutions has often been farcically remote. The treatment accorded suspected persons in Congressional investigations and administrative hearings has not always been that contemplated by the Sixth Amendment. A kind of continuous propaganda and social pressure has been kept up that has tended to suppress conscientious nonconformity. Political advantage has

## LINO REGAL—AB 11

accrued from claiming that others were indifferent to the threat of communism. The result has been that governmental officers, university presidents and ordinary citizens have felt it necessary to exhibit inordinate anxiety on this score.<sup>18</sup>

<sup>18</sup> Report of the Fund for the Republic, May 31, 1955, p. 11.

Hutchins, after making the above findings, states: "The Fund for the Republic takes no position on these matters."<sup>19</sup> To make such a

<sup>19</sup> Report of the Fund for the Republic, May 31, 1955, p. 11.

claim is complete misrepresentation. We have seen from the July 15, 16, 1952, docket of the Ford Foundation that the Fund was created to support positions which had been taken by Hoffman and Hutchins without knowledge or research. The docket reads, "Events since October 1951, make the Fund for the Republic no less necessary than it was when it was authorized. On the contrary, some of the movements and attitudes that it was *designed to combat* seem to be gaining strength."<sup>20</sup> On November 20, 1955, Robert M. Hutchins made a

<sup>20</sup> See docket, July 15-16, 1952.

guest appearance on "Meet the Press," a televised presentation. Hutchins replied to a question by stating in part, "The Fund has condemned boycotting and blacklisting \* \* \*. It has condemned guilt by association."<sup>21</sup>

<sup>21</sup> Transcript of Meet the Press, November 20, 1955.

One of our first considerations was to determine whether Robert M. Hutchins, as creator and guardian of the Fund had created an image of himself. If he had—was the Fund's program one designed to further the role of the individual or to sell the concept of life which Hutchins professed at a given moment. Hutchins, in preparing a docket for consideration by the Ford Foundation suggested that in combatting those movements and attitudes which it was designed to combat, the Foundation would be upholding the Constitution and Bill of Rights. Yet, Hutchins apparently held no respect for these documents when following World War II, he declared over the facilities of the British Broadcasting System: "I believe in World Government. I think we must have it and have it soon."<sup>22</sup>

<sup>22</sup> The Atom Bomb and Education, published by National Peace Council, London, England, February 1947

In a docket of October 1951, the Fund was directed to take into account the danger to the national security arising from "fear and mutual suspicion". The officers of the Foundation found that this fear and suspicion was (1) "generated by international tension," and (2) "fomented by short-sighted or irresponsible attempts to combat communism through methods which impair the true source of strength."<sup>23</sup> Hutchins appears to believe that all reactions of opposi-

<sup>23</sup> See docket, October 1951, pp. 8 and 9.

tion are prompted by fear. To eliminate "hatred and fear" was the advantage which he advocated for World Government.<sup>24</sup>

<sup>24</sup> The Atom Bomb and Education, p. 5.

To determine not if fear existed, but the extent of the fear was encompassed in the Fund's first project. This project started out to determine the extent of the "Internal Communist Menace" but when the suppositions were not supported by the research, it became an attitude survey. Needless to say, the survey did not locate the existence of fear. However, Mr. Hutchins again ignored the research which was obtained by tax-exempt funds. According to the New York Times of February 18, 1956, Hutchins in a speech claimed the

elements within the country, either because of real fear or because they have seen political advantage in capitalizing on the fears of others, have sought to suspend or weaken the guarantees of the Bill of Rights.<sup>25</sup>

<sup>25</sup> New York Times, February 18, 1956. Speech before committee at large of the Liberal Party.

## LINO REGAL—AB 12

Even the rights of Americans to question the activities of the Fund were attacked as hysterical.

In a speech on January 31, 1956, he held up the attacks on the Fund as justification for its existence when he said:

If there had ever been any doubt that the Fund for the Republic was needed, it would be removed by the hysterical misrepresentations to which the Fund's modest efforts have been subjected.<sup>26</sup>

<sup>26</sup> Washington Evening Star, February 1, 1956. Speech before the Business and Professional Associates of the American Jewish Congress, January 31, 1956.

The hatchet boys of the Fund are in most instances its officers and staff. Their attacks on those who have questioned the Fund's operations are always in the form of vicious insinuations. Free speech is not accorded those who disagree with the Fund. Hutchins describes them as "individuals and groups, whose vociferousness exceeds their influence and intelligence."<sup>27</sup> Fund's propagandists

<sup>27</sup> Same speech, reprinted for Fund press release, January 31, 1956.

regard for the freedom of the press, is overlooked in such attacks. A case in point revolves around an editorial which appeared in the April 23, 1955, issue of the Saturday Evening Post. In this issue the Post editorially commented upon the results of the Fund's attitude survey project. This editorial entitled "Does Education Create Tolerance Toward Reds?" deals with the interpretations of the survey as contained in the book "Communism, Conformity and Civil Liberties." The editorial did not meet with the Fund's approval, so President Hutchins utilized an address to the graduation class of Berea College to distort the editorial and attack the magazine. Without attempting to outline the editorial to the graduating class, only a small percent of whom could have read the editorial—Hutchins proclaimed:

It is characteristic of the time that the Saturday Evening Post has said editorially that this study (attitude survey) shows the dangers of education. The Post apparently prefers to rely on ignorance and conformity to see us through.<sup>28</sup>

<sup>28</sup> The Berea Alumnae, October 1955, p. 10.

When newspapers such as the New York Times and the New York Herald Tribune express an editorial opinion which does not conform with the views of Hutchins, freedom of the press loses its appeal. The papers are attacked for their failure to conform with the views of Hutchins, as well as their honesty and integrity in arriving at their position. Speaking in Philadelphia on April 2, 1955,<sup>29</sup> Hutchins said:

<sup>29</sup> American Academy of Political and Social Science.

The New York Times on March 17 and the New York Herald Tribune on March 19 published editorials on the question whether teachers who decline to testify about others should be dismissed. The significant thing about the editorials is this: they both, perhaps unconsciously, extend the limits of the prevailing boycott. The Times condemns "adherence to Communist doctrine," thus adding theoretical Marxists to those automatically disqualified. The Herald Tribune comes out against Communists "or any other brands of subversives," thus opening vast new unmapped areas of investigation, recrimination, and confusion.

Did these papers reach these opinions honestly? Not according to Hutchins. He found that they succumbed to the influence of the Reece committee. How the Reece committee, whose jurisdiction related to tax-exempt organizations and not Communist teachers, would have influenced the editorial position, Hutchins did not bother to explain. What Hutchins charged was:

\* \* \* these two newspapers bitterly attacked the Reece committee appointed in the House to investigate foundations; but they appear to have succumbed to its influence, which

## LINO REGAL—AB 13

is another evidence that if you say something outrageous authoritatively, loudly, and often enough you will eventually find yourself quoted in the most respectable places. The Reece committee includes among subversives almost anybody who differs with the two members of the committee who constitute the majority.

In 1955, the Senate ~~Internal Security Subcommittee~~ held hearings under their "Strategy and Tactics of World Communism" project. Subpenaed as witnesses were individuals identified with the world Communist movement by reason of their membership in the Communist Party of the United States. Many of these individuals were newspapermen at the time of their appearance. Several were employed by the New York Times. Hutchins, who disapproves of congressional investigations of Communists, now found that he could attack the committee, and at the same time approve an act of the New York Times. Therefore, during a speech on January 31, 1956,<sup>30</sup> he said:

<sup>30</sup> American Jewish Congress, Waldorf-Astoria Hotel.

A recent flash of righteous indignation in the New York Times about the investigation of newspapermen by a Senate committee has rejuvenated the first amendment.

Two weeks later, Hutchins made a speech which he titled "The Bill of Rights—Yesterday, Today, Tomorrow."<sup>31</sup> In this speech, his role

<sup>31</sup> Committee of Large of the Liberal Party, New York City, February 18, 1956.

was in part to attack that which he had interpreted as the apathy of the press. He used the same Senate hearing referred to above. He expenses in connection with the travel of their speakers, but all such

What is more remarkable is the apathy with which the press has greeted the attack of a Senate committee on the New York Times.

Only on this occasion his role was to express displeasure with the Times.

On January 31, 1956, the investigation was of newspapermen. On February 18, 1956, it was the New York Times. Hutchins made the circumstances fit his lack of moral character. He knew that the Times had printed the statement of the committee chairman that they were not investigating the Times or any other newspaper. Hutchins, as president of the Fund, cannot discredit congressional committees by relating facts so he used the techniques of propaganda.

The committee desires to point out that speeches such as quoted above are not the expression of Robert M. Hutchins, an individual, but the expression of Hutchins, president of the Fund for the Republic as announced by the press releases of the speeches. The expense incurred in reproducing these speeches are borne by the Fund. This is also true of the excerpted portions of the speeches which the Fund prepares to emphasize its position. A comparison of the press release with the stories of Hutchins' remarks shows that the press would have been much better informed had they troubled themselves to read the entire speech. The committee does not know whether the Fund incurs the expenses in connection with the travel of their speakers, but all such expenses are, in our opinion, clearly in violation of the law.

Let us again examine the pressing problems with which the Fund was to concern itself upon its birth. These are reflected in the Foundation docket of July 15 and 16, 1952; the same docket which requested additional funds of between \$9 million and \$14 million, in order to eliminate the necessity of the Fund seeking additional funds "in an atmosphere of adverse criticism." The docket reads:

Pressing problems in this field include the conduct of legislative hearings, government loyalty procedure, private censorship, loyalty oaths, due process of law, academic freedom, democracy in labor unions, free speech and free assembly, the status of migrant workers, racial and religious discrimination, the regulation of immigration and of travel of American citizens to foreign countries, and the freedom of mass communications.

## LINO REGAL—AB 14

The committee in making its examination of the Fund for the Republic looked only at the problems in which the Communist Party was involved. We did not examine problems supported by the Fund which related to race or religion. We did look at Fund activities which were intended to support or reward an individual or organization. This support or reward, as we shall set forth in detail later, was in the form of awards to individuals who refused to affirm or deny Communist Party membership; for the loss of employment because of Communist membership or refusal to sign loyalty oath; and to pay attorney fees and costs of those defying the law in furtherance of their political or subversive positions.

The committee decision not to investigate projects related to race or religion does not infer that these projects should not be explored to determine whether expenditures thereunder were made in violation of the tax-exempt statutes. It means merely that the small committee staff made investigations in these fields impossible.

"Conduct of legislative hearings" have been of interest to Robert M. Hutchins for many years. His interest has not been general but very restrictive to legislative committees, both Federal and State, whose jurisdiction encompasses the investigation of the activities of the Communist Party, its members, and those who serve its cause with knowledge aforethought. Earlier we have shown one example of his distorted portrait of the purposes of a hearing. In 1948, Hutchins was also distorting the purposes of the House Committee on Un-American Activities. In a speech<sup>32</sup> in New York City, he made the false

<sup>32</sup> The Emergency Committee of Atomic Scientists dinner, New York City, April 12, 1948, charge that the committee held independent thought to be un-American. He used Abraham Lincoln to support the overthrow of the Government by saying:

The only kind of individual activity that would be called un-American in our tradition would be attempts to overthrow the Government by force. And I seem to remember that Abraham Lincoln, whose Americanism has seldom been disputed, said something about the revolutionary right of the people to overthrow their government.

All this led Hutchins to find that "the most un-American activity I know is that of the Un-American Activities Committee."<sup>33</sup>

<sup>33</sup> Bulletin of the atomic scientists, June 1948, p. 173.

Speaking before a Bill of Rights Conference held in California in 1952, Hutchins, then the associate director of the Ford Foundation, flayed the current "silly season" of United States witchhunts.<sup>34</sup> The

<sup>34</sup> Daily People's World, December 15, 1952, p. 8.

Committee on Un-American Activities' program of investigating the Communist Party membership of those employed in labor and education was the target of his attack. No concern was voiced by him for the welfare of nearly a quarter million non-Communist workers ejected from the CIO because their Communist leaders were using the workers and their union in a program subservient to the Communist Party.

In a Los Angeles speech in 1953, he attacked the Los Angeles School Board of Education because of its refusal to accept a grant from the Ford Foundation, of which he was then associate director. On this occasion he used the speech to interpret the motivations of the Committee on Un-American Activities in calling teachers who were identified with the Communist Party, as criticism of American education because the teachers do not share a common view with the committee members. He found the speech a convenient vehicle to tie a university into his personal dislike for a former Senator and the then chairman of this committee.

The award of a college credit at Florida State University for being a clown is as great a disservice to higher education and academic freedom as any of the carryings on of Senator McCarthy or Congressman Velde.<sup>35</sup>

<sup>35</sup> Los Angeles Times, July 22, 1953. Speech before Town Hall Meeting, Biltmore Hotel, Los Angeles, Calif.

## LINO REGAL—AB 15

Hutchins' role in speaking before the press club on January 26, 1955, was to attack the majority report of the special committee headed by Congressman Carroll B. Reece and to argue for foundations and particularly the Fund for the Republic. His hatchet was propelled by the charge that "the Reece investigation in its inception and execution was a fraud." Hutchins again repeated his investigation-for-money-or-power theory by further charging:

- Its aims and methods are another example of the exploitation of public concern about communism and subversion to further political ambition and to work off political grudges.<sup>36</sup>

<sup>37</sup> Speech before American College of Hospital Administrators, September 19, 1955.

In a later speech, Hutchins made the same form of attack by adding that the investigation was Congressman Reece's only claim to fame. Those who are acquainted with Congressman Reece's background, including his chairmanship of the Republican National Committee, must reject Hutchins' statements as propaganda.

"The best defense is a good offense" is the motto of Hutchins even though he banned football at the University of Chicago. He therefore picked up his offense by describing the California Committee on Un-American Activities as the "most disreputable of the various State Un-American Activities Committees."<sup>37</sup> Beyond the investigation of

<sup>38</sup> Speech before American College of Hospital Administrators, September 19, 1955.

communism, it is not known what brought the other State Committee to earn Hutchins' findings of disreputable. Perhaps the mere fact that they investigated the Communist Party was sufficient. With respect to the California Committee his attack was not new. In 1953, he declared that the Senate Committee "is now in the very forefront of subversive and un-American organizations."<sup>38</sup>

<sup>39</sup> Washington Post, June 12, 1953, p. 4.

In October 1955, Hutchins received "The Bill of Rights Award" from the American Veterans Committee. The American Veterans Committee, is a recipient of grants from the Fund. In addition the American Veterans Committee experience with the Communist Party members within its ranks is being probed by the Fund. During this speech, Hutchins outlined those things for which he and the Fund stood. The agenda of the Fund, according to Hutchins, was necessary because "the citizen does not have to take the word of diplomats about foreign policy, or policemen about security, or informers about the disloyalty of persons, or the Attorney General about that of organizations", or "of legislative committees about the prevalence of witches."<sup>39</sup>

<sup>40</sup> Remarks of Robert M. Hutchins on receiving the Bill of Rights.

If we do not take the word of those possessed with facts whose word is taken. The word of the confused, prejudiced Hutchins, or those he has selected to peddle their bias under the label of the Fund. Let's look at Hutchins' position as it can be related to "government loyalty procedure", "private censorship", "loyalty oaths", "academic freedom", and "the regulation of immigration and of travel of Americans to foreign countries."

Hutchins writes and speaks of fear as the motivating force responsible for the loyalty security program, loyalty oaths, censorship and all other conditions or activities which he, himself, disapproves. Hutchins must feel that the American people are a reflection of himself. Was it fear which prompted him at the close of World War II to advocate "World Government?" In his advocacy of America's abandonment of our Constitution and Bill of Rights to a World State he argued: "There is no defense against the atomic bomb, and there never will be." . . . "The alternatives before us are no longer peace or war; they are peace or death of civilization."<sup>40</sup> Military suprem-

<sup>41</sup> The Atom Bomb and Education, published by the National Peace Council.

acy was foolish, according to Hutchins, in light of the bomb, and this finding on his part was also based on his fear. He stated before the



# LINO REGAL—AB 16

National Council for Prevention of War that universal military training is a "ridiculous and wasteful act of War."<sup>41</sup> This same time,

<sup>41</sup> Washington Post, December 15, 1947.

the Washington Daily News in a column by John Cramer reported: "The University of Chicago has now officially taken the position that it will not advise its faculty and graduates to enter government service."<sup>42</sup>

<sup>42</sup> Washington Daily News, December 11, 1947.

By 1949 Hutchins fear was prompting him to attack President Truman's foreign policy. In continuing to propose world government as the "only hope of averting war," the Seattle Times reported: "The Truman foreign policy was labeled by Dr. Robert M. Hutchins last night as an attempt to intimidate Russia."<sup>43</sup> He tied into his

<sup>43</sup> Seattle (Wash.) Times, April 7, 1949.

charge of intimidation of Russia, the defense of Communist Party members engaged in the teaching profession. It is not known whether he attributed attacks on Communist teachers as an attempt to intimidate Russia but he apparently considered a Communist Party member as endowed with the inalienable right to be employed in the profession of his choosing. Stating that "he does not approve of the dismissal of college faculty members because they belong to the Communist Party, the Seattle Times quoted him further: "If it is legal for a man who is not a professor to belong to the Communist Party, there is no more reason to remove a professor from his job than if he were a clerk in a department store."

Looking to the end of the same month, April 1949, we find that Hutchins must have advocated this right for Communist professors without even knowing what Communism was, or the duties, obligations, or disciplines of a Communist Party member. On April 21, 1949, Hutchins appeared before the Seditions Activities Investigation Commission, which was created by the Illinois Legislature. During his appearance he stated: "I am not instructed on this subject" in response to whether there was any doubt that the Communist Party was operating in the interest of a foreign state. Hutchins also was not in a position to state whether the Communist Party was a political party or a conspiratorial fifth column. Yet in 1955, when the American Bar Association found that the Communist conspiracy was clear for everyone to see, Hutchins wrote in the first report of the Fund: "A political party in this country has been identified with the 'enemy'". Hutchins was likewise not advised on the organization or organizations of Communist front organizations. In fact, he did not know of their relationship to the Communist Party itself.

Yet in making a Fund award to the YWCA, University of California, Hutchins attacked the Attorney General's list as "the most pernicious institution of recent times."<sup>44</sup>

<sup>44</sup> The UCLA Daily Bruin, March 24, 1955.

By June 1949, the ignorance must have disappeared even though the fear remained. His address at the Chicago University convocation was headlined by the Communist press as "Chicago University head flays redbaiting hysteria."<sup>45</sup> Hutchins started his address by

<sup>45</sup> Text of convocation speech, published by the American Civil Liberties Union, October 1949.

finding that the American way of life was in danger. He found that those holding that the danger results from communism did not even understand the American way of life. Hutchins does understand, so he proceeded to set forth the dangers such as congressional investigations of communism, loyalty oaths, and guilt by association. Communism is not classified as one of the dangers. In fact, he deals with the Communist Manifesto as a theory of peaceful change of government. "Are we therefore to recant, and renounce the American doctrine of free education for all?" stated Hutchins, as though the manifesto relates only to free education. Does his silence denote approval of the dictatorship of the Soviet Union? Of its other pro-



## LINO REGAL—AB 17

visions? Certainly Hutchins does not interpret the manifesto to endow freedom of thought, speech, and religion.

Hutchins also used his convocation address to attack the Federal Bureau of Investigation. On that occasion he implied that Thomas Jefferson would be a suspect to the FBI because of his first inaugural remarks. His inference with respect to the FBI continued even after his employment as associate director of the Ford Foundation and president for the Fund for the Republic. On June 6, 1955, before the graduating class of Berea College he endowed them with the wisdom of his prejudices. Was it fear or sanity which prompted Hutchins to indoctrinate the graduates with the claims—

some Government departments have set up guidance clinics in which their employees are taught how not to look like security risks. It is of course, unwise to talk too freely on the telephone, because modern technology has made it impossible for you to tell whether it is tapped. Or secret informers, paid by the Government roam the country.<sup>46</sup>

<sup>46</sup> The Berea Alumnus, October, 1955.

Communism is again identified with the word "enemy" in order to permit Hutchins to condemn the loyalty program and universal military training.

The necessity of defeating the enemy justifies anything from the discharge of a post office janitor, who knows somebody who once read the Daily Worker to the inauguration of universal military training, something that was once regarded as an obvious violation of justice and freedom.<sup>47</sup>

Hutchins' code must be compared with the philosophy that the end justifies the means. We have all found portions of the loyalty-security programs which were subject to just criticism, however, most of the criticism was intended to improve the program not to destroy it by the presentation of a case or cases the facts of which are the figment of one imagination. Even the Yarmolinsky Case Studies which the Fund financed did not distort the facts to the extent of Hutchins.

Hutchins would permit his fear to destroy the informant system of law-enforcement agencies because he has no conception what it encompasses. In his speech before the Liberal Party in 1956, he capped his attack on Government procedure by stating: "It is natural that few eyebrows were raised when J. Edgar Hoover said that, 'the confidential informant has become an institution.' \* \* \* Lake

<sup>47</sup> Speech before the Committee at Large of the Liberal Party, February 18, 1956

the security program Hutchins was interested in destruction of the informant system. Mr. Hoover testified: "Confidential informants of the FBI during the fiscal year 1956, furnished information which resulted in the recovery of \$643,870 in stolen merchandise and other valuables, and the arrests of 1,211 subjects of FBI investigation." Hutchins does not even know of the existence of confidential informants outside the field of subversion. To protect Communists, Mr. Hutchins seeks to destroy the entire system. Long before Mr. Hutchins was heard from the Congress enacted an informant statute which provides compensation to informants. As we shall show later Hutchins has used the Fund to reward those, such as Amos Landam, who refused to give valuable information about the Communist conspiracy to the Government. Hutchins condemns Government witnesses as "informers," but defends and rewards those who refuse to testify. The New York Post dealing with the subject related dealing with this subject stated: "Hutchins' explanation was that he was persuaded that the individual was no longer a Communist and that he had invoked the constitutional privilege (5th amendment) but he should have been obliged to turn informer." <sup>48</sup> To retard individuals

<sup>48</sup> New York Post, February 24, 1956.

with evidence from making their knowledge available to the Government, those outside society use many methods. The Murder, Inc., type criminal uses the threat of bodily harm. The Communist type

## LINO REGAL—AB 18

does not exclude this method but they specialize in intimidation by words and insinuations. They also reward those who refuse to assist the Government in actions against the conspiracy. "The Kept Witness," an article financed and circulated by the fund, is a masterpiece of intimidations.

The award or reward for refusal to execute a loyalty oath or to give testimony was Hutchins' "modus Operandi" long before his presidency of the Fund. While chancellor of the University of Chicago, he spearheaded a fund "to assist any University of California faculty member discharged in the current loyalty oath controversy".<sup>19</sup>

<sup>19</sup> New York Times, April 20, 1950.

Hutchins by this time had opposed all legislation designed to expose or weaken the Communist conspiracy. These included the "Broyles Bills" in Illinois and the Internal Security Act of 1950, to mention only a few. In June 1951, he received an award from the Chicago chapter of the American Civil Liberties Union. In his speech of acceptance he repeated his willingness to hire Communists as teachers. He capped his speech of acceptance by condemning the Supreme Court decision upholding the first Communist convictions under the Smith Act. Not only did he condemn the Court but he recommended criminal disobedience to combat it.

The Communist movement was so elated by his statement on the Supreme Court decision that the Civil Rights Congress distributed it far and wide. "Voice of Freedom" No. 2, prepared by the legal arm of the Communist Party, was "an additional collection of opinions on the Supreme Court decision upholding the Smith Act, an Act for the persecution of all political nonconformists." The booklet contains the following quote from Hutchins' speech before the American Civil Liberties Union.

**ROBERT M. HUTCHINS, FORMER CHANCELLOR OF THE UNIVERSITY OF CHICAGO, NOW A DIRECTOR OF THE FORD FOUNDATION**

[The majority decision] indicates that we are at last up against a great crisis in this country. It may now become more difficult for us to take some of the positions we have in the past. We may even have to decide whether we must violate the law in order to remain in conformity with our convictions.

The cause of the Communist controlled "Citizens Committee to Preserve American Freedoms" was served by Hutchins through a taped speech at its "Stand up to the Burns Committee" rally. The Citizens Committee, under its director, Frank Wilkinson, was in 1954 defending Communist Party members engaged as teachers in Los Angeles, California. Wilkinson, an identified Communist, who refused to affirm or deny such affiliation before the Committee on Un-American Activities is currently on leave from the Citizens Committee. He is now working for the Emergency Civil Liberties Committee in behalf of the Communist campaign of abolishing the Committee on Un-American Activities, and of reducing the efficiency of the Federal Bureau of Investigation. The same Emergency Civil Liberties Committee which has worked with the Fund in distributing Fund propaganda. The same Emergency Civil Liberties Committee which was cited in Handbook for Americans, prepared by the Senate Internal Security Subcommittee, which handbook the Fund voted not to distribute.

Distributed at the above described meeting there was circulated a pamphlet "Why did They Fire my Teacher?" It was prepared by those teachers being questioned about Communist Party affiliations and who had formed the "Teachers Defense Committee." Under "Dr. Hutchins spotlights Los Angeles Board of Education" the pamphlet quotes statements by Hutchins which are used to confuse the issues. Dr. Hutchins charges the School Board with raising communism against teachers because of the Board's dislike of the teacher. The pamphlet quotes Hutchins as writing:

The state of public education in Los Angeles suggests that the School Board would be better occupied in trying to improve the morale of the teachers than in tearing it down by

## LINO REGAL—AB 19

harassing members of the staff whom the Board does not happen to like.<sup>50</sup>

<sup>50</sup> "Why Did They Fire My Teacher," p. 2.

The investigations by State and Federal Legislative Committees to determine the extent of Communist affiliation of teachers has been consistently attacked by Hutchins. To defend his now modified position on the right of a Communist to be a teacher, he has applied the test of competency. But here again he applies a test, which is not only unsound, but which he had in other matters rejected. In defending competency in relationship to Communist teachers he requires as the only standard, their competence to teach this assigned subject. When he was advocating "World Government" and de-emphasizing scientific instruction, Hutchins was advocating—

The members of the faculty should not be selected in terms of their competence in specialized fields, but in terms of their capacity to see knowledge as a whole, to engage in candid and independent thinking about fundamental problems. \* \* \* 51

<sup>51</sup> The Atom Bomb and Education, p. 8.

Sidney Hook authored Six Fallacies of Robert Hutchins. "The major contribution of Dr. Hook's analysis," said the editor of America, "is the clarity with which it exposes Dr. Hutchins' misreading of the evidence of the Communist conspiracy itself." Dr. Hook's article which appeared in the March 19, 1956, issue of the New Leader should be reviewed in its entirety. However, we desire to point only to that part of the analysis which relates to competence: Dr. Hook wrote:

It is not surprising that when Hutchins discusses the question of whether members of the Communist Party should be permitted to teach, he should dismiss the question of their political affiliations as irrelevant. What is surprising is that his views on this subject are today more extreme than ever before. He criticizes Harvard University, despite its liberal stand, for abandoning the one test, for failing to ask "the right question" about a teacher, viz, "whether he is competent." He protests the dismissal of members of the Communist Party in Philadelphia and elsewhere on the ground that their actual incompetence has not been established.

Now, where positions of trust are involved, there are two questions which are normally asked, not one. The first is: Is the candidate competent? The second is: Is the candidate honest and will he abide by the ethics of his calling? A competent bookkeeper is not necessarily an honest one. If he is not honest his competence makes him even more unsuitable. A man may be a competent soldier but what if he is disloyal? Fuchs and Pontecorvo were competent physicists. A competent physician or a competent lawyer may be guilty of a breach of professional ethics. And a competent teacher may be guilty of a breach of trust. He may be under instructions to violate the ethics of teaching. In arguing as if the violation of professional trust is incompatible with the achievement of professional competence and as if disbarment for such violation of trust is tantamount to dismissal for holding unorthodox opinions, Hutchins is guilty of a double confusion—between competence and trustworthiness on the one hand, and between untrustworthiness and ideological nonconformity on the other. The objection to Communist Party teachers is not on the technical ground of their competence or incompetence in the skills of teaching a specific subject matter, but on grounds of their moral and professional integrity in accepting instructions to use their skills to indoctrinate and recruit.

We have previously seen that Hutchins himself was aware of the distinction between competence and trustworthiness. In stating his willingness to hire, for the Fund for the Republic, a member of the Communist Party who was qualified, he added that he would do so only if he could watch him.

## LINO REGAL—AB 20

But, in discussing the case of Communist Party teachers, Hutchins disregards the distinction, and says: "The standard of competence would have protected us against teachers following a party line or conducting propaganda." This is false not only because the standard of competence has failed to prevent Communist Party teachers from following the party line or conducting propaganda (see for evidence my Heresy, Yes—Conspiracy, No), but because it is apparent that the more skillful a teacher is, the more effectively he can indoctrinate, the more he is able "without exposing himself to inject Marxism-Leninism into every class." (The last phrase is from official Communist instructions.)

I have discussed this question often and at length. I content myself here only with pointing out that, in every other commonsense situation, we would say that membership in an organization which gives specific instructions to its members to violate their trust—a trust which is relevant to the performance of their duties—would be considered *prima facie* evidence of unfitness to occupy that position of trust. Only where Communists are concerned do some ritualistic liberals fail to draw the inferences which guide them in other instances of the same class.

With the above background the reasons appear clear as to why, in July 1952, one of the programs of the Fund, as recommended to the Foundation, was "since the threat to the individual who holds, or is accused of holding, minority opinions—or, in some fields, to one who is merely 'controversial'—is the loss of his job, the Fund could try to work out methods by which such persons might be supported for limited periods."<sup>52</sup> In the same docket it was recommended that the Fund might assist the accused have competent counsel, and make awards to educational institutions that have withstood attacks upon academic freedom.

The records of the Ford Foundation document that the Fund for the Republic was created by it to combat "movements and attitudes", and to assist, award, and support individuals and organizations under attack by undefined "movements and attitudes."

Did the Congress intend that tax exemption be conferred upon an organization with such an agenda? We think not, but the fact remains that it has enjoyed such exemption since March 27, 1953, the date of the tentative ruling by G. S. Gayton, head, Special Technical Services Division, Internal Revenue, Washington, D. C. This ruling was not based on an investigation by Internal Revenue but based solely upon the presentations made by the Fund in its application of 7 days earlier.

The tentative ruling was based upon the information presented to the Internal Revenue by the Fund. The ruling proscribed that the Fund be operated exclusively for the purposes indicated. These purposes were restated by the Internal Revenue in its tentative ruling:

The information submitted discloses that you were incorporated on December 9, 1952, under the laws of the State of New York. Your purposes as recited generally in your charter are scientific, educational and charitable. More specifically, your purposes are to foster, encourage and conduct research and study in the field of civil rights and civil liberties including freedom of speech, freedom of the press, freedom of thought, freedom of religion, freedom of opportunity and the problems of racial and religious discrimination; to publish, disseminate or make available through any medium the results of such research and study; and otherwise to foster, encourage and improve knowledge and education with respect thereto. No part of your net earnings shall inure to the benefit of any member or private shareholder and you shall not carry on propaganda, or otherwise attempt, to influence legislation.

Your present activities consist of formulating and developing a program to implement your purposes including studies respecting the legacy of American liberty as expressed in the Declaration of Independence and the Constitution of the United States; individual rights as affected by national security; the extent and nature of the internal Communist menace; threats to and restrictions of rights guaranteed by the Constitution including freedom of thought, inquiry and expression, due process of law and equal protection of the laws; and formulating and developing a program for the understanding and defense of constitutional rights as applied to teachers, minorities and other groups or individuals.

The purposes outlined in Fund and/or Foundation records vary greatly from the purposes presented to Internal Revenue.

## LINO REGAL—AB 21

The actual operation of the Fund had brought it under wide attack. A preliminary study in 1955 pointed convincingly to its activities of one of combat, award, assist and support. It appeared that the officers of the Fund for the Republic, including many of its project directors, consultants, or recipients of grants were those to whom the Director of the Federal Bureau of Investigation was referring when he said:

The Communists, bent on weakening our American way of life, have now turned to enlist other individuals and groups to convey propaganda designed to discredit truth.

<sup>22</sup> See docket, July 15, 16, 1952, p. 3.

It is through the "pseudo liberals" that the Communists do some of their most destructive work. These fictitious liberals are the individuals who through insidiously slanted and sly propagandistic writings and reports oppose urgently needed internal security measures; conduct a one-sided campaign to discredit Government witnesses; present the menace of Communism as a myth of hysteria; urge that we tolerate the subversive acts of Communists because Communists are only "nonconformists"; contend that the Communist Party is a "political" movement and that it is improper to consider it a criminal conspiracy linked to a world conspiracy to overthrow our government by force and violence.<sup>23</sup>

<sup>23</sup> John Edgar Hoover address before the 62d annual meeting of the International Association of Chiefs of Police, October 3, 1955

### INVESTIGATION

To learn the facts the committee began collecting the products of the Fund. It noted that the Fund claimed that the first activities they should undertake was a thorough study and investigation of the legacy of American liberty and the extent and nature of the internal Communist menace. It further noted that without determining either the legacy, or the extent of the Communist menace, they were engaging in projects which required knowledge of either or both.<sup>24</sup>

<sup>24</sup> See Docket, February 23-26, 1953

The first complete project—as related to the study of the internal Communist menace—was a public opinion survey, costing \$125,000 which the project director politicalized as a book titled "Communism, Confirmity, and Civil Liberties."<sup>25</sup>

<sup>25</sup> The Fund for the Republic, Three Year Report, May 31, 1956, p. 16

Objective knowledge of the Fund was imperative. It was apparent it could not be obtained outside the offices of the Fund, therefore, in March 1956, the committee asked for copies of the minutes of the Board of Directors. Scanty excerpts were received and on May 2, we repeated our request. These were received and analyzed only to find that even the minutes did not reflect the full story. The committee saw that the full story was tied up in staff dockets, or the correspondence or project files.

By June 1956, the committee proposed hearings for the purpose of obtaining evidence. On June 7, Mr. Hutchins was advised by letter of this fact and invited to appear or be represented. On June 15, 1956, he responded by attacking the objectivity of individuals whom he suspected might be called, including the Commander of the American Legion. Mr. Hutchins wrote that "the objective facts can be presented only by those who have them." Therefore the committee abandoned its plans for a general inquiry because the objective facts were only in possession of the Fund or its grantees.

Through correspondence we attempted to receive the objective facts. We requested files, records of disbursements, conditions of certain employment and copies of documents distributed. In response the Fund, usually through its counsel, complied in some instances, stated they did not possess in others, and ignored in still others, or refused to produce unless the material was subpoenaed.

The committee held two hearings. One dealt with the Fund project "Blacklisting". The other with an award of \$5,000 to Plymouth

## LINO REGAL AB 22

Monthly Meeting, Pennsylvania, re Mary Knowles/ John Cogley, the director of the "Blacklisting" project, and the possessor of the objective facts was called as a witness. Maureen Ogden Black, a staff member of the Fund, was subpoenaed as the possessor of the objective facts re: Mary Knowles. Mrs. Black supplied many of the facts while Mr. Cogley, invoking the freedom of the press, withheld many of the facts. Both of these will be dealt with later under either projects or awards.

The Fund again objected to the procedures of the committee and through the press, Hutchins defended the Fund by charging that the committee was casting doubt upon "the integrity and patriotism of good Americans—the directors and officers of the Fund, hundreds of people who have worked on Fund projects, and not least, leaders of civic, educational, legal, and religious organizations that have accepted grants from the Fund."<sup>50</sup> Hutchins demanded an apology, which he

<sup>50</sup> Press release of the Fund for the Republic, July 11, 1956.

did not receive. Facts which were in the committee's possession by this time tended to prove that the Fund was Robert M. Hutchins and Robert M. Hutchins was the Fund. The committee can prove from the minutes of the board of directors that in many fields of endeavor, Hutchins acted without even consulting the directors. The directors found it necessary by November 1955 to reassert their authority and at the same time restrict Hutchins. The "Board Minutes" of November 16, 1955, with respect to the distribution of publications reads:

It was agreed that this program should be continued along these lines—each item recommended by the officers is to be cleared by the counsel, presented to the board and approved by the board, both as to subject matter and as to plans for distribution before any distribution is made. \* \* \*

Prior to this action Hutchins distributed anything he desired. Most of which supported his publicized positions.

The committee was acquainted with Hutchins' propaganda technique of clothing himself with the honesty, respectability, and loyalty of others in order to shield himself. In 1949, Hutchins first act after taking the stand as a witness before the Seditions Activities Investigation Commission was to make a statement similar to charges lodged against the Committee on Un-American Activities, that statements against the Fund were unjust and unwarranted. He charged the Illinois Legislative Committee which summoned him to testify concerning subversive activities at the University of Chicago with assuming that the distinguished trustees would permit subversive activities on the campus of the University of Chicago. He charged:

I have with me a list of distinguished people who are the trustees of the University of Chicago—

he said; before reading the names of such men as Edward L. Ryerson, chairman of the board of Inland Steel; Edward Eagle Brown, chairman of the board, First National Bank of Chicago, and Harold H. Swift, chairman of the board, Swift & Co., to repeat only a few. After the reading he stated:

These gentlemen are responsible for the conduct of the University of Chicago. \* \* \* It will not be charged that they are engaged in subversive activities. It can hardly be supposed that they would sanction such activities. \* \* \*

The committee, not possessing the objective facts made an additional request of the Fund to make available in New York "facilities for members of the staff to review documents relating to the Fund's activities since December, 1952." On April 12, 1957, the Committee was advised by Fund counsel that the Board had not as yet considered the request and "I shall not advise that this request be granted." On May 24, Mr. Webster personally called upon the committee's staff director and stated that he

had been instructed by the board of directors of the Fund to say that the Fund would not permit the review [by committee investigators] of countless additional documents relating to the operation of the Fund.



## LINO REGAL—AB 23

During the conversation between the committee's staff director and Fund counsel, Fund counsel suggested a meeting in New York with a committee investigator. This meeting took place on June 4, in the offices of the Fund counsel. During this conference request was made for original documents, some of which had previously been requested. On July 2, after verbally indicating that this latest request would be denied in full, some of the material requested was supplied. Between the conference of June 4 and the transmission of July 2, the Supreme Court handed down its decision in the John T. Watkins suit. Without mentioning the decision, Fund counsel interpreted it, as recent witnesses before the committee have interpreted the decision, and advised that "the data now or heretofore supplied at your request are not regarded by the Fund as pertinent to an investigation by your committee." "It is our position", concluded Webster, "that in the future the Fund will not continue to supply from its files internal papers and information not relevant to a proper inquiry."

"Is this foundation, with its vast reservoirs of funds and power, a friend or foe in our national death struggle against the Communist conspiracy?"<sup>57</sup> To determine the answer to this question was the rea-

<sup>57</sup> New York Times, June 11, 1956.

son this inquiry was initiated. It clearly falls within both the committee's charter and the expressed desires of the House of Representatives. To obtain the answer has motivated every step of the committee's operation. To obtain the answer we have foregone proper legislative procedures by permitting the Fund to ~~frustrate~~ the legislative processes. We did not insist on John Cogley's appearance after he had advised that he would refuse to comply with a subpoena of the House of Representatives. That Cogley would have been in "Contempt of Congress" if we had insisted on his appearance, there can be no doubt, but the punishing of his contempt would not contribute to obtaining the objective facts. The same is true of the Fund itself. The committee takes the position that this refusal to open its files disqualifies the Fund as a tax-exempt organization. What strictly educational, religious, or charitable organization would hide its operations from the Congress of the United States, the very body from which it received the authority to spend its inheritance without the burden of taxes.

In June 1956, the Fund protested hearings into the Fund on the grounds that the committee lacked objective facts. The Fund has refused to make a full disclosure of the objective facts. Hearings by the committee are impossible, because without documents, no opportunity is available to check the truthfulness of the testimony of Fund witnesses. We do not assume that Fund witnesses would deliberately commit perjury, but we have discovered great conflict between their printed statements and reports and the facts.

This report on the operations of the Fund for the Republic is limited therefore to the projects, awards and/or grants upon which objective facts were obtainable.

The organization meeting of the Fund for the Republic was held in New York on December 10, 1952. Paul G. Hoffman, president of the Ford Foundation, attended the meeting along with Robert M. Hutchins. Hoffman suggested to the directors that a planning committee be established to undertake a formulation of a tentative program for the Fund. The planning committee was created under the chairmanship of Dr. Erwin N. Griswold, a member of the Board.

In creating the Fund, the officers of the Ford Foundation, Hoffman-Hutchins, found that "the movements and attitudes that it [Fund for the Republic] was designed to combat seems to be gaining strength."<sup>58</sup> Even though over a year had elapsed since it was created

<sup>58</sup> See Docket, July 15-16, 1952.

by the Foundation in October, 1951, the adoption of a tentative program was of great urgency. The Planning Committee met on the day it was created and in less than 24 hours submitted an outline of a tentative program. The program adopted required little consideration, as it was identical with the program set forth for it in the dockets of the Foundation, although not as extensive.



## LINO REGAL—AB 24

In the meantime conditions were developing within the Ford Foundation which were necessitating a severance of Paul G. Hoffman as its President. On or about January 27, 1953, Mr. Hoffman submitted his resignation as President of the Foundation. However, prior to his resignation the directors of the Fund had tentatively chosen him as the chairman of the board. This tentative action was being taken even though he was not a member of the board of the fund.

On January 29, 1953, 12 of the Fund's directors wrote to Hoffman as president of the Ford Foundation. This letter, which was basically a pitch for additional funds, set forth that the Fund would be dedicated to the preservation of the legacy of American liberty. The directors did not know to what they were dedicating the Fund because the same letter set forth that "this will involve consideration and study of what that legacy is." Thereafter, in the same letter, without knowledge of the elements of the legacy, the directors set forth the areas of inquiry as:

- (a) The size, motive and location of the internal Communist menace.
- (b) Restrictions upon academic freedom.
- (c) Due process and equal protection of the laws.
- (d) The protection of the rights of minorities.
- (e) Censorship, boycotting and blacklisting activities by private groups.
- (f) The principle and application of guilt by association.

At a meeting of the Board of Trustees of the Ford Foundation on February 4, 1953, prior to discussion of his resignation from the Foundation, Hoffman made his plea for additional money for the Fund. Hoffman was unsuccessful in his attempt to obtain the additional sum of between \$15 million and \$25 million, which the directors of the Fund had sought. He did receive from the Foundation trustees an assurance of adequate financial support in addition to the \$1 million appropriated in October 1951. The amount of money involved in the "additional financial support" was to be decided at a meeting of Foundation trustees to be held from February 23-26.

On February 18, 1953, Paul G. Hoffman, while still president of the Foundation, even though his resignation had been tendered, was elected a member-director of the Fund. Immediately following his election to the Board he was elected its chairman. Beuthel M. Webster, was retained as its counsel. Hoffman advised the Fund directors of the position and feeling of the Foundation trustees toward additional financing of the Fund. With this knowledge, the director prepared for presentation to the Foundation, an optional outline which would comply with the trustees position and feelings. Before the foundation trustees, the Fund's area of activity remained consistent with those set forth, both in the dockets of the Foundation and in earlier correspondence of the Fund.

In appropriating the \$15 million to the Fund for the Republic, it must have been evident to the trustees of the Ford Foundation that the Fund could not qualify for tax-exempt status within the provisions of Section 101 (6), as amended, of the Internal Revenue Code. To combat movements and attitudes, solely because they were objectionable to Robert M. Hutchins or Paul G. Hoffman was a disqualification under the statutes. Equally disqualifying were the direct action awards which the Foundation recommended and the Fund adopted.

The committee's study of the Fund's operations over a period of almost 5 years establishes, without question, that the "persons" which the Fund proposed to award, whether described as "holding minority views" or as merely "controversial" are irrespective of fancy description, those who are now or have been either members or knowledgeable supporters of the conspiracy to overthrow the Government of the United States by force and violence; namely, the Communist Party. The committee also established that the "movements and attitudes" which the Fund was created to "combat" were those practices, of Government and of private organizations and individuals, which were designed to expose international communism and its threat to the security of the United States.

## LINO REGAL—AB 25

The Ford Foundation trustees must have suspected that which the committee has found. To have so suspected, could be the only reason behind its provisions for the reclaiming of unexpended money in the event the Fund lost its tax exemption. Why the Foundation made its grant under such circumstances, only it can answer. The relationship of the \$15 million grant to the resignation of Paul G. Hoffman from the Foundation is likewise known only to the Foundation.

In order to obtain the objective facts the committee requested the reports of the Fund's planning committee. One report was supplied by the Fund before invoking their interpretation of the implication of the Watkins decision of the Supreme Court. "Planning Committee Working Paper No. 6," was apparently the basis of the Fund's letter to the Foundation of January 29, 1953. From it we are able to learn the intent of the Fund, as this intent involves the six areas of Fund inquiry. The planning committee discussed these areas as follows:

### *The Size, Nature and Location of the Internal Communist Menace*

In the present state of the world and of the country, the internal Communist menace may well be the greatest potential threat to the legacy of American liberty. Experience shows that the success of a Communist movement would mean the end of liberty as we have heretofore known it. One of the important means of protecting our heritage of liberty may be found in protection from the menace of communism. On the other hand, the Communist threat may be exaggerated. If we are not careful in the steps we take to protect ourselves from communism, we may seriously damage the very liberties we are trying to preserve.

In the consideration of this problem, therefore, it appears to be important to undertake to determine the extent and effectiveness of existing subversive activities by the Communist Party and allied groups, and to examine the areas where these activities occur, and the methods used within those areas, both in Government or private institutions, which are most sensitive to such influences. The examination might also include consideration of means to oppose these influences without sacrifice of basic and traditional American liberties.

### *Restrictions on Academic Freedom*

Academic freedom is a broad term, sometimes carelessly and loosely used. It is really broader than a merely academic matter for the same freedom should apply to a newspaper reporter, or any other person who is in good faith seeking to find and to report the truth. Progress has not been made in the past through conformity, and influences which unduly restrict independence of mind and discourage novel ideas can be a serious restriction on our progress as well as on our liberties.

For the purposes of the Fund, this field will include such matters as the influence of investigations on the activities and affiliations of teachers, restrictions on such activities and affiliations, loyalty oaths for teachers, censorship of books and curricula, restrictions of similar sorts on lecturers and scientists and others engaged in developing and expressing ideas.

### *Due Process and Equal Protection of the Law*

One of the oldest rubrics in the development of our civil liberties is the basic idea of "due process of law." In more recent years, particularly since this phrase was included in the Constitution of the United States and of nearly all of the states, legal development as to the nature of this protection has been considerable. However, public acceptance of the responsibility for maintaining due process of law has sometimes lagged behind the standards set by the law.

Specific topics which might be covered in this area would include investigation into the existence and extent of unlawful police methods, including the third degree and unlawful search and seizure. A related topic would be the extent to which wiretapping may be a proper means of police investigation, and the safeguards which should be required. Other closely related areas would include the rights of witnesses in quasi judicial proceedings, including the availability of counsel, and opportunity for cross examination, the availability of qualified counsel for indigent defendants, or defendants against whom indignation runs high. Other topics would include the use and misuse of the privilege against self-incrimination, and the extent to which the basic guarantees of due process and equal protection may be adversely prejudiced by the correlative guarantee of freedom of the press, including the question whether new standards of responsibility for the press might be developed which would safeguard its essential freedom and yet maintain effectively the fundamental rights of accused persons.

### *The Protection of the Rights of Minorities*

Much of the history of the struggle for human liberty involves the protection of the rights of minorities. The tyranny of the majority has often been a sad reality, and one of the reasons for having constitutional provisions such as our Bill of Rights is to provide a firm legal basis for the protection not only of individuals, but also of members of minority groups. Although much progress has been made in this area, much remains to be done.

Activities in this area might relate to such matters as equal voting privileges, the treatment of religious groups, the treatment of enemy aliens and conscientious objectors in time of national emergency, discrimination in public and private accommodations, equal opportunities for employment, education, housing, and recreation, and special problems presented by our Indian population, on and off reservations.

## LINO REGAL—AB 26

### *Censorship, Boycotting, and Blacklisting Activities by Private Groups*

At various times in the past, blacklists, and boycotting, and private censorship have been used as economic or political weapons. This is a peculiarly difficult and important area, because such action is ordinarily private. It is, therefore, often difficult to determine the existence of such actions, their extent, and their influence. It is also very hard to devise means of controlling such activity, even though it may result in a very serious interference with individual liberty.

This area might include an impartial examination of censoring, blacklisting, and boycotting by persons, publications, organizations and civic groups, particularly in the fields of education and entertainment. An assessment might also be made of the extent to which commercial enterprises controlling public opinion and entertainment, are subject to intimidation, and the extent to which this may be an impairment of individual freedom.

### *The Principle and Application of Guilt by Association*

One of the principles which has been hammered out during the course of our history has been individual responsibility before the law. Ordinarily, a person is subject to criticism or condemnation only for what he has done himself, and not for what has been done by others with whom he may at some time have been associated. In recent times, however, there has been a recrudescence of the general notion of guilt by association. The extent of its application should be ascertained, and consideration should be given to means to combat the impairment of individual liberty which is involved.

This field includes a consideration of recent Federal, State, and local legislation which makes it a crime to be a member of certain organizations or which requires certain organizations to register. (The Hatch Act, the Smith Act, and similar provisions in the McCarran Internal Security Act of 1950 and the McCarran-Walter Immigration Act of 1952.) It also includes judicial decisions interpreting such legislation; executive action such as the Attorney General's list of Subversive Organizations and Congressional reports such as those of the Un-American Activities Committee.

With the exception of that area relating to the "Rights of Minorities" the Communist Party of the United States, its members, supporters, and organizations, is the modius operandi. It appears that if there had never been a Communist Party of the United States, there would have been no need for a Fund for the Republic. Therefore, what is the relationship between the objectives of the Fund and the organization and operation of the Communist Party?

To make this examination, we look first at "the size, nature and location of the Internal Communist Menace." According to the planning committee, either the Communist menace justified the Fund to protect our heritage from the menace, or else the menace was not a menace, and the Fund would destroy our heritage if it would protect us from communism. Stated more simply the destiny of the Fund was to protect America from communism or communism from America. But whatever the reason, since the Fund was incorporated not one study has been completed which gives evidence upon which the Fund can decide its role.

Without knowledge of the menace of communism, or its role based on this knowledge, the Fund proceeded on its areas of inquiry. Its concern in the area of Academic Freedom, it will be noted, was built around "independence of mind." But what knowledge did the Fund possess of the "independence of mind" of a Communist Party teacher? We have shown that the President of the Fund maintains that the Communist teacher does maintain his independence. We know from former members of the Communist Party that he does not. The facts could resolve the conflict, but we shall show that the Fund prior to obtaining the facts proceeded with its "Fear in Education" project. We shall further show that the officers of the Fund were not even interested in obtaining the facts in order to arrive at their findings.

In the area "due process of law" the planning committee was interested in, unlawful police methods, and the rights of witnesses in quasi judicial proceedings. Within these two broad categories the Fund claimed an interest in the use and misuse of the privilege against self-incrimination. In August 1953, Clifford B. Case, former Congressman from New Jersey, became president of the Fund. After becoming president, the Fund received through President Case, several proposals relating to due process of law and communism. Several of these proposals were rejected by President Case and his rejection confirmed by the directors at a meeting of November 18, 1953. Those rejected were, a study of the adequacy of existing legal sanctions against Communists or Communist activity, and a study of the fifth amendment to be conducted by a leading law-school. In spite of the

## LINO REGAL—AB 27

Fund's program they were rejected as not having sufficient impact to warrant undertaking. A proposal, to compile in popular form, ways in which Communists abuse due process and the advantage of democratic procedures, while considered to be useful by the Board, have never materialized. On the other hand, a reprint of speeches by Erwin N. Griswold, chairman of the planning committee, was widely distributed to the bar and federal bench. These speeches on the other hand, defended the use of the fifth amendment by those whom a study would prove were merely engaging in abuse of constitutional privileges.

The area of inquiry described as "censorship, boycotting, and black-listing activities by private groups" is both a second inquiry into that which the Fund describes as academic freedom, plus the absolute right to employment in the field of entertainment. The same questions again arise, namely, how can the Fund determine the right which a Communist Party member has to employment in these fields, if it does not know the aims and objectives of the Communist Party? The committee shall prove that the Fund's project into this subject of blacklisting, was not "an impartial examination." We shall also prove, through the testimony of the project director, together with evidence obtained by the committee, that the project and the project report, whether by design or accident, had the effect of strengthening the position of the Communist Party members engaged in the field of entertainment. The committee condemns this position of the Fund because it was taken prior to completion of studies into the menace of communism, or the lack thereof which the Fund itself claimed to be so necessary to its operation. To remove a Communist conspirator from the entertainment industry is blacklisting, so testified John Goley. The Fund condemns blacklisting, so declared Fund President Robert M. Hutchins. Therefore the Fund condemns the firing of both Communist entertainers and Communist teachers. Certainly an activity which disqualified the Fund of its tax exemptions.

Conspiracy statutes do not exist if we read the discussion under "Principle and Application of Guilt by Association." "Individual responsibility before the law" is according to the planning committee the principle by which Americans should deal with the theory of overthrow of the government of the United States. Is this a valid position in light of the knowledge which America, excluding the Fund, possesses of the Communist Party of the United States. Granville Hicks, testifying before the committee, stated that every member of the Communist Party was a potential espionage agent. When, then, will espionage by members of the Communist Party be restricted to individual action? However, only through a study can the determination of individual action be determined and the Fund has made no such study. To combat impairment to individual liberty the planning committee proposed that the Fund give consideration to those statutes, intended to punish action relating to overthrow of the government, and those intended to control subversive actions by organizations. This action was being proposed at the same time the Fund was advising both the Ford Foundation and the Internal Revenue that they would not engage in activities designed to effect legislation.

To determine the Fund's role in relation to the internal Communist menace, a special committee of directors, under the chairmanship of Elmo Roper, was formed. The committee was formed at a meeting of Fund directors on March 18, 1952, and was known as the "Internal Communist Menace Committee." Conceding that the study of the internal Communist menace was "like trying to measure a gaseous body with a rubber band" the committee prepared and adopted procedures for studying the Communist menace in less than 3 weeks.

The minutes of the Board of Directors of the Fund for April 9, 1952, reflects that after considering the report of the Roper Committee, the directors approved a study of Communist infiltration in the five areas mentioned in the report, together with a sixth, the publishing and entertainment industries. The five areas are described in the Roper committee report as

1. A questionnaire type of study, among a large cross-section of the American public, from the age of 16 upward. \* \* \*

## LINO REGAL—AB 28

2. A study of the record of confessed Communists, as well as of the Communist trials which have been held in various parts of the country; a study of what has been turned up by various congressional and other governmental investigations; a study of as much as they are willing to tell us, about what the FBI knows about the number and location of Communists and Communist sympathizers; 3. The trade-union movement and of the infiltration and influence of Communists in that area; 4. A study of the colleges and also of the secondary-school system in this country; and 5. A study of the question of whether or not Communists, in or out of Government, have had much or little to do with certain basic decisions which are commonly supposed to have played into the hands of the Communists.

Many grants have been made by the Fund, growing out of the recommendations of the Internal Communist Menace Committee, under the chairmanship of Elmo Roper. All of the large projects conducted by the Fund itself, and related to the subject of communism, have grown out of this committee's recommendations. Two of the projects—one related to the size and extent of the internal Communist movement under project director Samuel A. Stouffer, and another dealing with "blacklisting" in the entertainment industry under the directorship of John Cogley, have been completed. Both projects have a strong bearing on the intent of the Fund for the Republic as it relates to the international Communist conspiracy, and more particularly, the Communist Party of the United States and its members and supporters.

### COMMUNISM, CONFORMITY, AND CIVIL LIBERTY

In a memorandum to the trustees of the Ford Foundation, dated February 24, 1953, and signed by Paul Hoffman as chairman of the Fund for the Republic, it was set forth that "A major factor affecting civil liberties today is the existence of communism and Communist influence in this country." The trustees were further advised that the directors of the Fund needed a deeper insight into the many difficult concepts and problems which are encountered in the field of civil liberties. To obtain these insights, the directors advised that they proposed "to undertake research into the extent and nature of the internal Communist menace and its effect on our community and institutions." We have previously set forth the position and recommendation of the Fund's planning committee, also relating to the Communist menace. From the planning committee, we know the details of the knowledge which the Fund hoped to obtain during its research. To supplement this, and to direct the gathering of this knowledge, the Fund appointed its Internal Communist Menace Committee under the chairmanship of Elmo Roper. Roper's committee felt that even if the Fund assumed that the FBI had an accurate account and dossier on the known Communists, that there would still be a necessity for their research. Roper's committee apparently realized that the mere numerical strength of the Communist Party indicated nothing in a determination of the extent to which the Communist Party threatened the security of the United States. The report stated:

A dozen farmers in the Midwest who, for one reason or another, affiliate themselves with the Communist movement, are potentially much less harmful to the United States than a dozen Communists who are active, paid agents, and who have infiltrated either an important defense industry or an important governmental body.

With this understanding, Roper's committee was required to select a research technique for the purpose of obtaining the knowledge which the Fund stated it must have. In this connection, the report stated:

Since people with different educational backgrounds have come to have more respect for one research technique than another, we think it advisable that we employ not one type of research, but as many as have achieved any considerable acceptance. For example, there are many who respect the

## LINO REGAL—AB 29

type of research done by lawyers in preparing law cases. There are others who have more respect for public opinion research, just as there are others who have more respect for the type of research done by the FBI or by a trained sociologist. Therefore, we feel it advisable to approach this problem from the standpoint of several, rather than one research technique, and wherever the approach can be made under the auspices of a competent group who has prestige with a large segment of the public, it should be done.

Elmo Roper, chairman of the committee, at that time was owner of a public opinion research company. This may have been the reason why the first area was set forth as "a questionnaire type of study among a large cross-section of the American public from the age of 16 upward." We have shown through documents of the Ford Foundation, letters and statements to the Ford Foundation by the directors of the Fund for the Republic, and from documents of the Fund itself, the need which the Fund stated it must have. All this documentation pinpointed this need as relating to the size, nature and location of the internal Communist menace. Further, that this information was needed prior to their proceeding to fulfill their objectives. We felt that certainly the first project of the Fund would be to fulfill this objective. But let's look at the entire text of point 1 of the Roper committee's report, in order to determine what was intended when the Fund for the Republic hired Dr. Samuel A. Stouffer to direct this project which related to the size, nature, and location of the internal Communist menace.

A questionnaire type of study among a large cross section of the American public, from the age of 16 upward. We would deliberately use a large sample—perhaps 25,000—so that the maximum number of breakdowns could be made. A committee would be set up, consisting of a public opinion researcher, a psychologist, a sociologist, a lawyer, and perhaps an anthropologist to devise a questionnaire which would be thoroughly tested. In this study we would attempt to discover what people's attitudes are toward the key areas in which the Communist ideas differ from those of democrats. Not only would we attempt to learn people's attitudes toward Russia and world communism, but we would attempt to learn how far the Communist philosophy, and possibly the fear of it, has crept into people's beliefs about various economic, political, and sociological matters. We would also try to get some appraisal of the public's idea of the extent of the Communist menace—whether they feel they personally know any Communists; whether they feel there are any in their own town or their county; whether they think the teaching profession is half Communist or 10 percent Communist, or 1 percent; the same for labor unions and other groups. We would, in short, attempt to learn just how many of which groups of people have accepted which parts of the Communist doctrine on the one hand, and at the same time get at the current folklore about communism and an appraisal of the public's feeling about the nature and size of the menace. We would break these results down by age groups, geographic area, size of place, economic level, national and religious background.

It is premature to set down names, but a suggested advisory committee could have a respected public opinion researcher such as Dr. Clyde Hart of the University of Chicago, or Doctor Samuel Stouffer of Harvard, or Dr. Paul Lazarsfeld of Columbia, a respected physiologist such as Dr. Evelyn Irwin of the University of Pennsylvania, a sociologist such as Leo Cottrell of Cornell, etc. Obviously, there are other people equally qualified.

The results from such a study might turn out to be dramatic. For all we know now, a majority of our people may feel there are a million card-carrying Communists in the United States, whereas the F. B. I. may be equally sure



## LINO REGAL—AB 30

there are 25,000. For all we know now, a majority of our people may believe that there are 25 million adults in the United States who would like to see private ownership of all property abolished. And our survey may show this number to be closer to 250,000. There may, in short, be rather wide differences between what our people genuinely believe in a selected list of questions about their political, economic and sociological beliefs and what most of us think they believe.

On May 18, the directors approved Dr. Samuel A. Stouffer as director of the research described above. By September Stouffer's project was no longer referred to as an effort to determine either the size, nature or location of the internal Communist menace. It was merely a "attitude survey". At the meeting of the directors on September 10, it was reported by Mr. Roper that the special committee on attitude survey would shortly hold its first meeting. Prior to the forming of the committee and its holding its first meeting, Dr. Stouffer engaged in considerable research and consultation in order to learn the variables which would be most important and most feasible in studying attitudes toward communism, and toward means of combating it. Stouffer consulted with Raymond A. Bauer, Louis Harris, Herbert Hyman, Marie Jahoda, M. Brewster Smith, and Shirley A. Starr.

The Committee on Un-American Activities deems it appropriate at this point of the report, to make its position clear with respect to individuals mentioned in this report. Many of the individuals hired by the Fund for the Republic, have long records of affiliations with Communist-front organizations. Several have been witnesses before congressional committees. The committee wants the Fund for the Republic understood on the basis of the record of the Fund as it is reported in this report. An individual can support or defend communism and Communist Party members without being an established member of the Communist Party or established as a Communist front-er. The Internal Revenue Service, as an executive agency, has available to it the files and records of the Federal Bureau of Investigation. The records of the Committee on Un-American Activities, together with the files of investigation of the Fund for the Republic, have been offered to the Internal Revenue Service. The prejudice of those connected with the Fund for the Republic, irrespective of whether the prejudice is based on an active and conscientious affiliation with communism, is not necessary to support a recommendation that the Fund for the Republic is not qualified to hold a tax-exempt status as either a charitable or educational foundation. The Fund for the Republic engages almost exclusively in propaganda, and the committee finds that the evidence reported in this report documents this fact.

Returning to the attitude survey project, as it is now known under the direction of Dr. Stouffer, we find that from September of 1953 until March of 1954, four drafts of a questionnaire were prepared, sampled and either discarded or modified before arriving at a questionnaire which was submitted to the Fund for the Republic on March 22, 1954.

The committee does not possess the first four drafts, and so we are unable to study the type of questions which were discarded. Without the results of the test samplings, we are also unable to report the reasons questions were discarded by Dr. Stouffer and his committee as not being adequate. We do know that much of what the committee on the internal Communist menace hoped to learn as the results of the questionnaire, was not learned because no questions were included in the final questionnaire.

A budget of \$167,000 was approved by the Fund for the Republic for this project. A survey among roughly 5,000 citizens was conducted by two national public opinion research organizations, and the findings of the Fund for the Republic were released by the Fund in the form of a book "Communism, Conformity, and Civil Liberties," authored by the project director, Samuel A. Stouffer.

The Internal Revenue regulations relating to tax-exempt organizations, tend to exempt from consideration of propaganda occasional writings and speeches. The Fund for the Republic has utilized this exemption to occasional writings and speeches, as a vehicle to carry



## LINO REGAL—AB 31

out much of its activities. When the Fund has been challenged for either false or faulty findings, it has dodged its responsibility by stating that the views expressed are not the views of the Fund, but the views of the author. The Fund has therefore guided its child through the commission of a crime, only to disinherit and disclaim him when he is apprehended. We shall demonstrate this activity more clearly in dealing with the Fund project on blacklisting.

We have seen above what the Internal Communist Committee sought when it approved the project under the chairmanship of Dr. Stouffer. When we compare this with the findings, which is Dr. Stouffer's book, we must realize that great changes were made. Did we find in the original report questions relating to "Are civic leaders more tolerant than other people"; "How tolerant is the new generation"; "Do women have viewpoints differing from men?" "How far does the Communist threat account for intolerance or non-conformists?" The key area described by Roper's Committee was the one in which the Communist ideas differ from those of democrats. It also desired to learn how far the Communist philosophy had crept into people's beliefs about various economical, political and sociological matters. What caused the change, and what was the Fund attempting to establish in preparing the final draft of its questionnaire? We charge that the Fund, through the final draft of the questionnaire, was attempting to first, establish that the feeling of the American people toward the Communist Party and Communist Party members was motivated by fear. Failing to find this, tolerance towards non-conformists, principally members of the Communist Party, but including atheists and socialists, was selected to support those who opposed the denial of employment to Communist Party members in our schools, colleges and yes, even the Federal Government. We feel that the closing paragraph of the Stouffer Committee report, together with the nature of the questions including the questionnaire and Dr. Stouffer's analysis of the tabulations prove this charge. The last paragraph of the report rendered the Stouffer-directed committee reads as follows:

The committee [Stouffer's] believes that this proposed study if carried out with skill and thoroughness, can be of great importance in aiding our understanding of problems basic to the mission of the Fund for the Republic. A note of sober caution, nevertheless, is in order. *Nobody can guarantee in advance that all that we might hope for from such a study can be accomplished.* In some of its objectives it may fall short. But it has been prepared with conscientiousness, and every question included has been weighed carefully as to its possible utility in the final analysis, although the purpose of some of the questions may not seem obvious at first glance. Criticism may be expected. The Committee has sought to avoid personalities (except for symbolic figures such as the President and the head of the FBI) and to avoid the details of current political party controversies. While we have tried always to be discreet, we have not dodged inquiries necessary for a better understanding of attitudes which may have far-reaching consequences in America.<sup>59</sup>

<sup>59</sup> Report to the fund from Special Committee on Attitude Survey, March 22, 1954.

In completing the survey, a minimum of \$167,000 of tax-exempt money was spent by the Fund for the Republic. The end product was not distributed to the American people as a tax-exempt enterprise, but rather was made available to the American people through a book. If the American people were to be educated by this survey, it was necessary for them to purchase the book at the cost of \$4 per copy. From the document of the Fund for the Republic, including its committees, we have shown what the Fund for the Republic desired to know with respect to the extent of the internal Communist menace. We have further shown through the Stouffer Committee document and the document of the Roper Committee how this original intent was modified to a point where only by tracing the sources could we establish the relationship between the original proposal and the end product.

## LINO REGAL—AB 32

Professor Stouffer and his book sets forth that the survey was intended to examine the depths of the reactions of Americans to two dangers. (1) "From the Communist conspiracy, outside and inside the country," and (2) "from those who in thwarting the conspiracy, would sacrifice some of the very liberties which the enemy would destroy." Rather than what was originally intended of the survey, Professor Stouffer tells us that his survey dealt with "imagined provocation," "state of pathological fear," and whether or not the images about Communists, which people carry in their heads, are related to the willingness to deprive "other nonconformists," who are not necessarily Communists, of civil rights.

Professor Stouffer tells us on page 24 of his book, that he was possessed with a bias, although he does not explain the nature of the bias. To cover up those instances where his bias showed, Professor Stouffer wrote "The author has tried earnestly to be objective—to keep his own convictions about the dangers of assaults by both Communists and anti-Communists upon the dignity and freedom of the human spirit, from coloring his judgment as an analyst and reporter." Where his bias does show, Professor Stouffer asked his readers to "supply your own correction factors in interpretation." To expose the bias uncovered by the committee would require a document consisting of as many pages as Professor Stouffer's book, but we shall examine a few.

The survey was conducted among 4,933 residents of the United States over age 16. Included in the 4,933 were 1,500 civic leaders. The civic leaders comprised union officials, presidents of chambers of commerce, elected city or county officials and the presidents of organizations such as the D. A. R., League of Women Voters, and the American Legion. Fear was the universe around which the majority of the questions revolved. An analysis of the questionnaire clearly showed that the questions were prepared in such a manner that the suspicion of fear as a motivation of action. When fear did not hold up, a substitute for fear was quickly injected. Because the subject of fear started the questionnaire, even the very first question, fear of communism fell flat by question 4, when it was found that only 3 percent of the people surveyed expressed a fear of communism. Tolerance and intolerance was then substituted as the Fund's universe, and this is the theme of Professor Stouffer's book. According to the Fund for the Republic, through its project director, Professor Samuel A. Stouffer, an American is tolerant or intolerant, depending upon his views of the rights which he would accord to socialists, atheists, Communists and a fourth category of individuals described as "a man whose loyalty has been questioned before a congressional committee, but who swears under oath he has never been a Communist."

The committee, in reviewing the records of congressional committees, cannot visualize a witness who fits the category described in the fourth category. The survey did not attempt to define this individual, and it must be assumed that those who answered the question were as confused as are we. In the main, the questionnaire asks of each of these four categories whether they should be permitted to make a speech in the community, whether a book they wrote should be removed from the public library, or if they should be fired if they happened to be teaching in a high school, college or university. With respect to the Communists, or the individual whose loyalty was questioned, the questionnaire sought to learn also whether or not either or both categories should be fired if they were employed as a radio singer, and whether or not, if they were on a sponsored program, the respondent would stop buying the product of the sponsor. Also included in the questionnaire restricted to the Communists, were questions which related to the revocation of American citizenship, putting an admitted Communist in jail, tapping private telephones in order to get evidence against Communists, and severing a friendly relationship with an individual who was either a Communist 10 years ago but was not today, or one who had been a Communist until recently. Also included in the pattern of tolerance and intolerance was the question as to whether or not it is a "good idea or a bad idea for people to report to the FBI any neighbors or acquaintances whom they suspect of being Communists?" It is in chapter 2 that Professor Stouffer engages in his first bit of sleight-of-hand. On page 45, after setting forth the question relating to reporting to the FBI, Professor Stouffer

## LINO REGAL—AB 33

after placing his own analysis on the answer to the question, makes reference to the fact that the respondents were handed a card and were asked which, in their opinion, of the two statements printed on the card were the more important. "To find out all the Communists, even if some innocent people should be hurt," or "to protect the rights of innocent people, even if some Communists are not found out". Because these questions followed immediately after that relating to the FBI, it is implied these questions or statements refer to reporting suspected Communists to the Federal Bureau of Investigation. However, these two statements were used in the questionnaire with respect to investigation by congressional committees. If we look at the complete questionnaire, filed as an appendix to Professor Stouffer's book, we can see the loaded nature of the questions relating to congressional committees and become convinced that these two statements were thrown in as the last straw to find some expression from the American people which would closely approximate the position with respect to congressional committees held by Professor Stouffer.

The Director of the Federal Bureau of Investigation has repeatedly acknowledged that the work of congressional committees investigating Communism has supplemented the work of the Federal Bureau of Investigation, yet the question was asked whether the respondent thought that "these committees are actually making it harder for the FBI to catch Communists." And while 4,933 respondents were asked this question, only the responses from those who acknowledged an affiliation with either the Republican or Democratic Parties was made public in the report, and the report acknowledges that the percentages used refer only to less than one-half of the respondents. On top of this, the same treatment was given to other questions relating to congressional committees such as "Are these committees as much interested in getting publicity and votes as in protecting the country from the Communist threat?"

In the "suggested procedures for studying the size and extent of the internal Communist menace", the Roper Committee acknowledged that certain people distrusted findings obtained by public opinion surveys. This is primarily because the questions can be worded or arranged to obtain the desired results. Ambiguous questions such as those used by Professor Stouffer assist this objective. Take the Fund survey questions: "Consider a man whose loyalty has been questioned before a congressional committee, but who swears under oath he has never been a Communist, should he be allowed to make a speech in your community, or not?" Does the fact that he denies that he ever was a Communist establish his loyalty? Even with such an anonymous description the survey also asked if somebody suggested his book be removed from the library, would the respondent favor removal? Also, should he be fired from his employment as a "high school" or "college" teacher, "defense plant," "shoe clerk," or "radio singer?" Answers to these questions, as confused as the subject of them is, were used in determining the tolerance or intolerance of the respondents. Only by reading a series of articles in Look magazine by Professor Stouffer, and published prior to his book, do we learn that "whose loyalty has been questioned"<sup>80</sup> means simply that he was

<sup>80</sup> Look magazine, March 22 and April 5, 1953.

accused of being a Communist. How much more accurate would the questions have been if a questionnaire would have read: "Consider a man who was accused of being a Communist but who swears under oath he has never been, should he be allowed to make a speech in your community?" Would the percentage willing to permit him to speak be higher than the 70 percent reported by the Fund? We feel sure it would. An honest wording would have made more understanding Professor Stouffer's statement: "In other words, a man accused of being a Communist is granted a greater degree of freedom to talk than is a man opposed to religion?"

Professor Stouffer found that "the American public is clearly not quivering with fear and anxiety" (a finding which the Fund, through speeches by its President Hutchins, has not accepted even as late as 1956). However, his book makes the most of all opportunities to exaggerate restriction on freedom. The survey showed that 87 per-

## LINO REGAL—AB 35

Professor Stouffer must certainly have been hiding his first hand facts from the Fund for the Republic because they commissioned hundreds of thousands of dollars on such educational projects as "Fear in Education." Professor Stouffer was commissioned to determine the size, nature and extent of the Communist menace. Instead he perverted the study to what he described in "Look" as a determination of "What is on the mind of the American People? What are they thinking about, worried about, concerned about? - We asked our cross section of America." He found that they disliked Communism and everything which comprised the Communist conspiracy? This position of the American was contrary to his, so he serves up his opinion for their reaction. His procedure is in conformance with Fund President Hutchins. Writes Stouffer:

When politicians for partisan advantages exaggerate the current spread of the Communist conspiracy, can we blame an ordinary person for supporting drastic measures to stop the supposed conversion to Communism of people in key positions in Washington or in our foreign service, armed forces, or defense plants?

Is J. Edgar Hoover's statement such as his testimony before the House Appropriations Committee an example of exaggeration:

Factual data compiled by the Bureau daily through its counterintelligence operations clearly portrays the international Communist movement as the greatest menace free civilization has ever found.

Stouffer presents no evidence that the Communist Party has deserted its policy or object of conversion, and he cannot believe it has. As for key positions in Washington, as he describes them, they have no place in his book. He inquired about Communists in Government or defense plants. He did not distinguish between the janitor or head of a department of a government agency. In defense plants, he did not distinguish between positions or the degree of secrecy which surrounded the contacts upon which the Communists worked. Compare this with Newsweek's "A Measure of Fear" in the issue of May 9, 1955. Newsweek quotes Stouffer "I wouldn't allow a Communist near a college faculty, and I certainly would not let one get into a defense plant". It is hard to believe that the Stouffer's are the same individual.

Stouffer also disapproved the large percentage of respondents that approved congressional investigation of communism. To minimize his findings, he selected political affiliation only, rather than cross-sectional figures in dealing with many questions relating to committees or the FBI. Other questions relating to committees and their procedures and operations, he elected to conceal completely. Part of the reasons given by Stouffer for this position on the part of the people is:

People who don't like the fellow who pushes others about in a crowd, or who edges around ahead of others in a line, or who beats up somebody weaker than himself, may still approve *tactics that take advantage of witnesses.*

Are committees exposing communism, motivated by truth? Stouffer infers that they are not. Without proof, he writes, "While nobody likes a liar, some of the public has to learn that Communist conspirators are not the only liars." He then describes the other liars, "those who evoke the public's emotions through exposing or claiming to expose Communists, sometimes also trifle with the truth."

Professor Stouffer listed certain suppositions all related to fear, such as "climate which has been created in our public service which is unnecessarily preventing loyal citizens, whose skills are needed, from serving the country effectively or from serving it at all"; or "research and development program which must keep us ahead of Russia in weapons race may be lagging because of such unnecessary harassment"; or "foreign-service officers were afraid to tell Washington unpleasant truths in their dispatches for fear of future persecution"; were set forth to indicate that if the people believed these things their answers would be different. That these suppositions or the questions

## LINO REGAL—AB 36

included in the questionnaire were not necessarily to be related to the truth is confirmed by Stouffer. "The function of this book is not to state whether facts alleged in these questions are true, or only partly true, or false", Stouffer then declares that the overwhelming majority of the public do not even know that such allegations, such as those to which we have referred, are being made.

Stouffer gave as an example at point that, "when asked to describe in their own words the good things and bad things [two separate questions in survey] which congressional investigating committees have done, only 14 people out of 4,933 in our cross-section mentioned any of these allegations." None of the "good things" are even hinted at by the author. And even in this connection we have a discrepancy. In his "Look" article Stouffer raised the 14 to 20 and pinpointed the allegations. He wrote in Look magazine: "Only 20 out of almost 5,000 people volunteered any mention of matters \* \* \* such as the treatment of witnesses before committees in Washington, challenges to the loyalty of educators and scientists, local vigilante action, etc."

Professor Stouffer cautioned against the slow erosion of civil liberties. These he described with the example of the Girl Scouts of America:

The fact, for example, that the Girl Scouts of America, quietly made some deletions and changes in their 1954 Handbook, yielding to self-styled pro-American pressure, may or may not be big news, or even a case in point. True, the parents of a girl scout might discover by themselves what has happened and make their own interpretation. But very few are likely to do it unless their attention is aroused, either directly through a responsible press, radio, or television or else through the vigilance of thought-leaders in the local community, who in turn are likely to have been alerted by what they read on the printed page or what they heard or saw over the air.

This subject was not included in the survey nor is it even remotely a part of the Roper committee's outline. It is a representation of the propaganda of Professor Stouffer, a project director of the Fund. It is devoid of facts in evidence. As it involved an internal conflict within the girl scouts, its role in the erosion of civil liberties cannot be seen. The facts are these and they have been carried by the press. Midwest Girl Scout leaders became concerned over changes which were being made in the revised 1954 Girl Scout Handbook. They attempted to have their position considered by girl scout national officers. When their pleadings fell upon deaf ears, they consulted with the American Legion. The Legion investigated and found merit in the complaints against the revised handbook. By resolution, adopted at a national convention, the Legion urged the Girl Scouts of America to make certain changes, which they did. The full resolution, which was public knowledge and which was given prominent notice in the press, is reproduced as a test to the facts which were in the possession of Professor Stouffer when he wrote "that the Girl Scouts of America quietly made some deletions and changes in their 1954 Handbook."

ADOPTED BY THE 36TH NATIONAL CONVENTION OF THE AMERICAN LEGION MEETING IN WASHINGTON, D. C., AUGUST 30 THROUGH SEPTEMBER 2, 1954.

### RESOLUTION NO. 328 AS AMENDED

WHEREAS, certain leaders of the Girl Scouts' movement in Illinois did come to The American Legion of Illinois with the request that a resolution be written and passed by the Department Convention setting forth specific and documented instances of Un-American propaganda contained within official Girl Scouts publications and Manual, and

WHEREAS, the Department of Illinois, after ascertaining the facts from these Girl Scout officials that their National leaders had failed to effectuate proper deletions and correct the situation complained of, did pass such a resolution after complete documentation had been presented and established such as the 1953 Handbook, the Leader Magazine, Official U. S. Government reports, and

WHEREAS, since the adoption of this resolution the Department of Illinois, has received from the National Office of the Girl Scouts five pages of corrections and deletions which are to be incorporated in the 1955 Handbook, therefore

BE IT RESOLVED, That The American Legion National Convention does commend this remedial action taken by the National Office of the Girl Scouts and does urge that the leadership go further and advise the American public as to whether or not those responsible for inserting the recognized Un-American propaganda are still directing policies of the Girl Scouts, and

## LINO REGAL—AB 37

BE IT FURTHER RESOLVED, That the National Girl Scout leaders are requested to advise the American public as to what action has been taken in regard to the correction of other recognized Un-American propaganda appearing in Girl Scout publications, other than the Handbook, and

BE IT FURTHER RESOLVED, That the National Commander of The American Legion is hereby directed to promptly confer with the President and officials of the Girl Scouts of America for the purpose of offering the cooperation and assistance of The American Legion to the Girl Scouts of America in implementing and securing the reinsertion of the deleted positive Americanism material in the Girl Scout Handbook and other publications, terminating what appears to be the attempted infiltration of the Girl Scouts and building a continuing and permanent liaison arrangement between the Girl Scouts of America and The American Legion; with the view that in the future the programs of the two organizations may be directed to the common goal of inculcating in our youth a love of America and an implacable abhorrence of the world Communist conspiracy and world government, and

BE IT FURTHER RESOLVED, That The American Legion commends the "Girl Scouts" for both its purpose and its accomplishments in educating the girlhood of America to an appreciation of the responsibilities of United States citizenship.

The American Legion and the Veterans of Foreign Wars have been a target of the Band for the Republic, they were likewise to Professor Stouffer. Professor Stouffer used his scale of tolerance to attack the Legion, V. F. W., D. A. R., and religion. The scale of tolerance, which scale was based on either ambiguous or misleading questions, was used to find that "the study has shown that heads of patriotic groups like the D. A. R. and the American Legion tend, *as might have been predicted*, to be less willing to tolerate nonconformists" Stouffer makes this finding in spite of the fact of his subsequent finding that "nearly half of the local D. A. R. regents and commanders of Legion posts tend to score in the "more tolerant group." The educational levels of the veteran, not a consideration on the field of battle, is found by Stouffer to be "disproportionally low." He then uses this finding to infer that they were permitting the Legion or V. F. W. to deceive them or else they, because of their low educational level, are not qualified to have an opinion on the heritage of America. In addition, because their educational level is disproportionately low they are intolerant.

Of those in a higher educational level there is also a high degree of intolerance especially among women and churchgoers. "It has perhaps not been adequately appreciated that a considerable element in the opposition to a free market in ideas in America, is religious in origin", reported Stouffer, "Regular church attenders are less likely than other people to be tolerant of the kinds of nonconformists or suspected nonconformists about whom we are inquiring," Stouffer wrote, also that these same persons are "more likely than others to see the Communist danger as severe." Stouffer relates:

from the standpoint both of devout Catholic and Protestant—the Protestant fundamentalist, particularly—there is an assault on traditional religious tenets.

Without divulging to his reader the evidence, he continued:

The youth in our schools—especially in secular colleges and universities—often emerge with doubts about the inspiration of the Bible or the infallibility of religious beliefs learned in early childhood. Indeed, a case can be made for thinking that reactions against these phenomena are among the main sources of anti-intellectualism in America, insofar as "intellectualism" stands for a free market place of ideas.

Reminding us of the Scopes trial, Stouffer repeats that:

the fact to be reckoned with is that teachers, books, and magazines do threaten certain kinds of traditional religious certitude.

With this background presented to us, Stouffer changes an atheist With this background presented to us, Stouffer changes an atheist cross-section, who felt that an individual opposition to churches and religion would alone peg him as a Communist. The respondents were not able to explain whether this meant an actual member of the party. The respondents were asked other questions—whether a person could be a Communist without being a formal member of the party. Could they have been familiar with Khrushchev's recent declaration:



## LINO REGAL—AB 34

cent of the respondents felt free to speak their minds. Of the 13 percent who did not feel as free, 5 percent of the community leaders or 10 individuals expressed much concern over this restriction. Almost an entire chapter is built around these ten, with seven being quoted. Seven individuals out of 4,933 are used to exhibit a climate of fear which Professor Stouffer, himself, found not to exist.

Political interest of the American people in respect to Communism was also studied. "Inflated" was Professor Stouffer's findings when 11 percent answered very closely, 45 percent fairly closely, and 44 percent hardly at all, to the question of how closely they followed news relating to communism. "Occasionally" was the fourth part of the question according to the questionnaire. It was dropped from the reported results. In which of the three categories did he place the respondents answering occasionally. Was it "fairly closely" or "hardly at all"? While this is of little importance this play with figures, questions the accuracy of other presentations. It compares with the technique of showing a political apathy by reporting, not that 70 percent of the respondents were able to name a Congressman or Senator, taking a leading part in the investigations of Communism, but by reporting that 30 percent could not.

The number of respondents to the Fund survey are listed as 4,933. Yet when we examine Stouffer's records we find an inconsistency even in this. On page 55 of the Stouffer book, the number of respondents are listed by "time of interview." In totaling the case, we arrive not at 4,933 but 4,882. On page 89, the respondents are broken down into age groups for the purpose of establishing tolerance, or lack thereof, by age. Running the range from 21 to 60 and over the number of cases are reported not as 4,933, or 4,882, but 2,768. On page 90, the respondents are broken down into educational level from college graduates down to and including some grade school. While its foreseeable that some respondents had no schooling, its inconceivable that only 2,763 of 4,933 did have. With only a little more than half of the respondents included in the statistics, how can one judge the accuracy of the findings relating to tolerance based on age and education. It will be recalled that this confusion in part was dealt with in an editorial which appeared in the Saturday Evening Post. The same editorial which according to President Hutchins of the Fund, "is characteristic of the times that the Saturday Evening Post has said editorially that this study shows the dangers of education."<sup>61</sup>

<sup>61</sup> The Berea Alumnae, October 1955. Speech before graduating class, June 1955.

The numbers game is again played on page 181, where there is set forth "in the national cross-section of 4,933 cases, there were 158 cases or 3 percent who claimed to have known a self-admitted or self-proclaimed Communist." Compare these figures with those set forth only two pages later, when in dealing with the 1,500 community leaders, less than one-third of the 4,933 which comprised the cross-section, 11 percent or 166.9 said they had known a self-admitted or self-proclaimed Communist.

Many other examples could be presented of Professor Stouffer's indulgence of fraud by numbers. The principal question to ask is what was to be gained by these misrepresentations. Professor Stouffer admitted he was biased but claimed he had controlled this bias, at least to the extent of the original questionnaire or the analysis of the results. Most of the intolerant people are good wholesome Americans, writes Stouffer. As to why they are then intolerant, Stouffer finds, "many of them, as we have seen in this book, are simply drawing quite normal and logical inferences from premises which are false because the information on which the premises are based is false." Several apparent examples of this are given by Stouffer.

When, for example, national figures say flatly that our schools and colleges are full of teachers of atheistic communism, can we blame an average citizen who has no first hand access to the facts if he comes to think a purge of the educational system may be necessary.

...scientific and atheistic propaganda is an integral part of the Communist education of the working people, and has as its aim the dissemination of scientific, materialist knowledge among the masses and the liberation of believers from the influence of religious prejudices.

Decree of the Central Committee of the Communist Party, signed by Khrushchev; Pravda, November 11, 1954

## LINO REGAL—AB 38

We remain the atheists that we have always been; we are doing all we can to liberate those people who are still under the spell of this religious opiates.

Assisting Professor Stouffer was Gordon N. Allport who has been mentioned in previous publications of the Committee. Allport cannot be considered unbiased in his approach to a study designed to determine the size, nature and location of the International Communist menace. By his public action in demanding repeal of the McCarran Act, he has declared his opposition to legislation designed to regulate Communist activities. By his demand for abolishment of committees investigating communism, he has proclaimed his disapproval of investigations of Communism. These were the subject matter of the survey upon which Stouffer credited him with contributing memoranda and criticism. Needless to say, it was Allport who favorably reviewed Stouffer's book in the May 14, 1955, issue of "Saturday Review." Several other consultants to Professor Stouffer were equally biased. The opinions expressed by the respondents related to their economic and religious outlook. The disapproval which the respondents voiced were reflections upon them, and therefore required challenging.

To counteract the intolerance which Professor Stouffer constructed a scale to determine, he recommended "a long-sustained program of public education through the press, radio and television, and more direct local influence, based not primarily on the negative theme of 'pooh-poohing' the Communist threat but principally on the positive theme of the supreme importance of civil liberties, could be expected to have an effect."

This recommendation was adopted by the Fund for the Republic by appropriating monies to several projects. Were these projects designed to "pooh-poohing" communism, attempt to destroy those things which the respondents approved, or to present the facts as facts with which the American people could arrive at an understanding of con- to have an effect."

### FREEDOM AGENDA PROGRAM

Early in 1954, Anna Lord Strauss, an official of the League of Women Voters, commenced informal discussion with President Clifford Case of the Fund. Mrs. Strauss' purpose for approaching the Fund was to seek a grant of money to combat a "climate of fear and suspicion" which has been "generated in this country by many factors". She described the factors as "the prolonged 'cold war', restrictive security measures, the nationwide 'hate campaigns', and the emotional strain caused by the Korean conflict."<sup>62</sup>

<sup>62</sup> Proposal of the Carrie Chapman Catt Fund to the Fund for the Republic, March 29, 1954.

Apparently, because the Fund was prohibited by law to engage in political activities, or the influencing of legislation, it could not appropriate to the League of Women Voters. This was also not desirable because the League was on record with opinions on these subjects. A disinterested vehicle was needed. The Carrie Chapman Catt Memorial Fund, Inc., became the disinterested vehicle.

The Carrie Chapman Catt Memorial Fund, Inc., was incorporated as an educational fund on December 18, 1947. Freedom Agenda pamphlets identify CCCMF as a research and educational fund created by the League of Women Voters.

After a couple of months of informal negotiation, Anna Lord Strauss, writing on the letterhead of the tax-exempt CCCMF, made a formal request of the Fund for \$45,000. This money was to be used for the preparation of "objective and unbiased" study materials, and to defray expenses necessary to contact national organizations, to organize discussion groups, and train their leaders. On April 1, the Fund appropriated \$45,000 for use in community level education programs concerned with relationship of individual freedom and national security.

Anna Lord Strauss became chairman of the Program which in June was named "Freedom Agenda". Alfred H. Kelly, chairman of the department of history at Wayne University, became its director. Individuals were contracted to author the basic pamphlets to be

## LINO REGAL-AB 39

used in discussions. Alfred H. Kelly was assigned "Where Constitutional Liberty Came From". Zachariah Chafee, Jr., a professor at Harvard, now deceased, was assigned "Freedom of Speech and Press". Jack Peltason, a professor of political science, University of Illinois, was assigned "Constitutional Liberty and Seditious Activity". Robert K. Carr, professor of Law and Political Science, Dartmouth College, was assigned "The Constitution and Congressional Investigating Committees". Alan Westin, a teaching Fellow in Government, Harvard University, was assigned "The Constitution and Loyalty Programs". T. V. Smith, Maxwell Professor of Citizenship and Philosophy, Syracuse University, was assigned "The Bill of Rights and our Individual Liberties". Other pamphlets such as "Let's Talk About Liberty" and "How To Organize a Freedom Agenda Project" were also commissioned.

Before the pamphlets were prepared, negotiations were resumed with the Fund for an additional appropriation. By this time Robert M. Hutchins had succeeded Clifford Case as President. The renewed discussions were thereafter between Mrs. Strauss and Mr. Kelly, representing Freedom Agenda, and Mr. Hoffman and Mr. Hutchins, representing the Fund. The additional request of the Fund encompassed a budget of either one year at the cost of \$250,000 or 2 years at \$500,000. This budget provided that Freedom Agenda would be responsible for all expenses necessary. Not being acceptable to the Fund, an amended request of \$88,840 for 12 months, or \$133,260 for 18 months was submitted. The primary disagreement revolved around the desire of Paul Hoffman to restrict the program to existing organizations.

On September 13, 1954, Mrs. Strauss, in submitting the reduced budget, commented on this organization objective:

We agree with you that the most efficient means is by working through existing organizations. However, if this method were to exclude interested persons, if outsiders were not encouraged to come into the planning and the leadership training, we fear the result would be to underscore the lines of demarcation, already too apparent in many communities. Some cooperative groups already exist, but they are few. If people can be encouraged to join together on the basis of ideas they hold in common, we believe they will discover that their points of view are not as far apart as they think, and that their differences will prove refreshing and stimulating to them. This was our purpose when we suggested setting up new discussion groups. \* \* \*

The above quote, plus other documents, makes evident certain assumptions, (1) the Freedom Agenda programs were primarily under the leadership of Women Voters; and (2) the programs were not intended to reaffirm the approvals expressed by the people of such things as Congressional investigations of Communism, loyalty-security programs, removal of Communists from education, or of legislation such as the Smith, McCarran and Internal Security Acts.

Because of the limited role assigned the Carrie Chapman Catt Memorial Fund, the Fund appropriated not \$500,000, the larger request, or \$88,840, the smaller, but \$66,610, which was approved by the Fund director in November 1954. Additional appropriations brought the total appropriated up to \$166,610. Toward Freedom Agenda the Fund also appropriated \$20,000 to the Council for Social Action of the Congregational Christian Churches, \$5,000 to the National Board of the YMCA, \$8,000 to the National Board of the YWCA, and \$4,000 to the Universalist Service Committee.

As an important sidelight, we desire to point out the threatened political intimidation which has resulted from these grants. Ray Gibbons, Director of the Council for Social Action of the Congregational Christian Churches, wrote to members of the Committee on Un-American Activities and inquired if the Committee was planning additional investigations of the Fund for the Republic. While expressing a hope that the Committee had no such plans, he wrote to Congressman Gordon H. Scherer:

As you know a number of religious agencies are now conducting projects which are supported by grants from the

## LINO REGAL—AB 40

Fund for the Republic. A number of representatives of these agencies are prepared to release a joint statement to the press and to take vigorous action with their large constituencies, if necessary.

While negotiations were going on between the Fund and the Carrie Chapman Catt Memorial Fund, the League of Women Voters were making their plans to provide leadership. That the Fund was actually financing a project at the League of Women Voters, is indicated by a memorandum dated June 30, 1954, from Mrs. John G. Lee, League President, to "Local and State League Presidents". Relative to a League program on "individual liberty", Mrs. Lee wrote " \* \* \* the details which were essential for future Board planning were dependent on the materials being prepared by the Carrie Chapman Catt Memorial Fund. In order to avoid confusion, it is necessary to coordinate League planning with that of the Fund which will make a major contribution to the total community effort in this field."

In adopting the program, the League had as its end product a political action campaign. Mrs. Lee's memorandum made two observations relating to League action:

In adopting the national Program item on the subject of individual liberty, the Convention recognized the importance of thorough study of basic subject matter, working with the whole community, before the League membership attempted to reach agreement on action on current proposals.

Mrs. Lee set this forth as a part of point 5 of a planning outline:

Unit consideration with a view to legislative positions to be taken by the League should come after the community job.

Political activity is one of the functions of the League. However, the influencing of legislation is prohibited of the Fund for the Republic. Likewise, a direct appropriation to the League by the Fund would have been prohibited. The appropriation to CCCMF was made for the purpose of permitting the Fund to engage in activities which neither it nor the League could do with tax-exempt money. Also, the true role of the League was to be camouflaged. As Mrs. Lee wrote:

From the beginning, the League should be especially careful to work with individuals and groups in the community, so that it will not seem to be a League-owned project. Particular care must be taken in those communities where Leagues have had local or state items in the field of individual liberty, because the League may already seem committed to a position. It is important for the League to approach its community in the role of learner rather than advocate.

The Freedom Agenda Program, from its inception, was a campaign intended to disguise the role of advocates. The Committee's first realization of this comes from "Commentary", a publication of the American Jewish Committee. In the January 1955 issue, there appeared a story "Libertarian Precepts and Subversive Realities", by Alan F. Westin. The article was based on a paper read before a panel in Individual Freedom and National Security at the American Political Science Association convention in September 1954. In September 1954, Westin was preparing his pamphlet "The Constitution and Loyalty Programs" for the Freedom Agenda program. Being on the inside, he should have been in a position to know wherefore he wrote:

Red issue can no longer send the electorate into a frightened stampede. At the community level, concern has spread that our civil freedoms may have been manhandled these past years; this concern is typified by the League of Women Voters' sponsorship of Freedom Agenda \* \* \*.

"The Libertarian Precepts and Subversive Realities" is an objective appraisal of the civil liberties picture as the "Libertarian" should look at it, but does not.

According to Westin, Libertarians understood what they were opposed to—punishment of thoughts rather than deeds, test oaths, inves-

## LINO REGAL—AB 41

tifications of "loyalty," blacklists for "un-American activities, etc., etc." Libertarians were active, too, in defending and advancing these positions. Westin then went on to point up the three major errors of the libertarian concept. So important are these to an understanding of Freedom Agenda, and the Fund for the Libertarian they are produced hereafter. They are produced also to understand Westin's "The Constitution and Loyalty Programs".

Westin wrote:

Despite the apparent soundness of their principles, the luster of their letter-heads, and the energy of their supporters, the years since 1945 have marked one defeat after another for the libertarians in the struggle over internal security measures. The first issue, which sharpened between 1945 and 1947, had to do with the nature of the threat that the Communist party posed to American society. Civil liberties theory maintained that domestic Communists belonged to the left fringe of American social protest, and to a radical political party that, though objectionable, was no worse than, if as bad as, the Silver Shirts or Bundists. The correct way to deal with Communists, the argument ran, was to expose their errors of theory and shady practices, while solidifying our own theory and practice of democracy. This argument was washed away in the flood of facts that came to light after 1945, as evidence from the Canadian Royal Commission, the FBI, and Congressional committees revealed the existence in the United States of a well-organized "conspiratorial center" manipulated from the Soviet Union and engaged in espionage, the fomenting of political strikes in defense plants, and the infiltration of sensitive positions in American public and private life.

Thus the libertarian side was defeated in its characterization of the American Communist party and its effort to define the "political rights" of Communists in keeping with that characterization. The second round of the great debate over security opened after 1947. This involved the question of whether Communist infiltration of Government was peripheral, or serious and, especially, how extensive it had been under the New Deal. With a sigh of relief, harried spokesmen for civil liberties turned away from their qualified defenses of clouded figures like Carl Marzani and Harold Christofel, to close ranks behind Alger Hiss, almost the personification of the talented government official under New Deal liberalism. Here was a man of breeding and character being attacked by a self-confessed spy and former Communist who spoke from the rostrum of the nation's "Star Chamber." Certainly the Hiss case would turn the tide, and decency be reasserted. But after the facts of the Harold Ware cell in Washington had been bared, after the Bentley-Chambers-Weyl testimony had gone unrefuted, and after two successive trials had shaken even Hiss's last supporters, a second line of defense was abandoned in stunned disorder.

Professor Owen Lattimore provided a third rallying point. Here was a man outside government service under criticism for his "pro-communism" and his "influence" over American foreign policy. He was not a member of the Communist Party, nor had he passed government secrets; internal security surely did not require the infringement of academic freedom and of the right to express bold opinions, however wrong or right. But the hearings on the Institute of Pacific Relations held by the McCarran Internal Security Subcommittee showed how Communists and fellow-travellers had succeeded to a large extent in manipulating an organization whose membership included high government, press, and university figures—an organization, moreover, that had exerted a powerful influence on our Far Eastern policy. After these disclosures, the slogan of "ordel by slander" fell on unsympathetic ears in the nation.

Writing of the libertarian theory and its relation to loyalty-security, Westin wrote:

Classic libertarian theory was invoked to oppose the creation of a Federal loyalty program in 1947, and to criticize its continuation since that time. Convinced that the threat of disloyalty was overstated and part of a "drive for conformity" by the Dies-Rankin forces, many libertarians argued that government investigation was justified only in regard to unlawful conduct, not in regard to the "political and social beliefs" held by millions of Government employees. The danger of espionage, these libertarians stated, could be met by counter-espionage: FBI surveillance under existing laws or executive orders (such as those against treason, the disclosure of Government secrets, etc., etc.) was declared to be adequate protection for the Government. That this would entail risks, the libertarian freely admitted, but he felt that such risks were of the kind that a free society would be willing to run in order to avoid the excesses of a James I or the diabolism of a Dr. Goebbels. With varying degrees of emphasis, this line of argument was advanced by Alan Barth, the Public Affairs Round Table on Loyalty, Carey McWilliams, and others.

It seems to me that this argument sidestepped the really difficult question: is a loyalty program, despite its risks, necessary in the first place to protect our governmental process from Communist infiltration? The libertarian found it easy to parody the speeches of a John Rankin or to quote the "I hold in my hand . . ." proclamations of a McCarthy, but only by averting serious attention from such facts as the delivery of government secrets to Soviet agents by the Harry Golds, Judith Coplons, and Elizabeth Bentley; the organized infiltration of government service by units like the Harold Ware group; and the general pattern of Communist-sympathizer activity in the civil services of Canada, the United States, Great Britain, and other countries. While some of the items in this pattern are open to disagreement, one does not really dispose of it by citing the charges made by businessmen in 1896 against the loyalty of the



## LINO REGAL—AB 42

Populists, or by urging that we redouble our efforts to eliminate Negro segregation.

A footnote to Westin's article invites the reader's attention to "The Constitution and Loyalty Programs", which it describes as a "discussion of the failings of the loyalty program and needed reforms." Westin's pamphlet prepared for the information of Freedom Agenda discussion groups, is exactly that, a discussion of the failings. It was obviously prepared on to present this position. It was intended not as an objective presentation of the needs of the loyalty security program and its resultant accomplishments and failures, but merely its failures.

Westin, in fulfilling his assignment, engaged in the very approaches which he condemned the Libertarian for using in his article in "Commentary." In dealing with the Bailey v. Richardson, in which the Supreme Court affirmed a lower court decision by a four to four vote without a written opinion, he quoted minority opinions in another Supreme Court decision to condemn the Bailey conviction. Dealing with the Attorney General's list and its test in Joint Anti-Fascist Refugee Committee v. McGrath, he pointed out that the opinion avoided any discussion of the constitutional question. Then he pointed up the fact that four of the justices, a minority of the court, attack the Attorney General's list as unconstitutional.

Loyalty programs become "Fidelity" programs in Westin's pamphlet. He asked if the programs are constitutional because under the First Amendment to our Constitution "can the federal government discharge employees not for criminal acts or faithless conduct in office, but merely because of their *political affiliations and beliefs*." <sup>63</sup> Not

<sup>63</sup> The Constitution and Loyalty Programs, p. 29.

Communist activity but political affiliation is thereafter the standard used to present these positions. Westin now apologized for many who did not perceive communism as a threat until almost the Korean conflict. Completely overlooking the Hitler-Stalin pact, the Ducloux letter of 1945, to use only a few incidents, he writes:—"Thus the view of Communist innocence continued as a sizable opinion until the conviction of Alger Hiss in 1949". <sup>64</sup> Unless Westin is offering excuses for

<sup>64</sup> The Constitution and Loyalty Programs, p. 32.

those who joined the Communist movement prior to 1949, he cannot charge that a sizable American opinion supported a view of Communist innocence at any time, even the years of depression. Let's again look at what he wrote in his "Commentary" article about the American opinion, not in 1949 but in 1947 when the first loyalty-security program by President Truman was instituted.

It is to be doubted whether any government in a society based upon majority rule, and faced with the task of uniting its people against external danger, could have ignored the countrywide concern over Communists in government—a concern known by the administration to be justified by actual cases. The concept of security, after all, has two aspects: it covers both the fact of danger and the public's apprehension of danger. This is not to suggest for a moment that innocent persons should be branded disloyal to soothe public opinion; <sup>65</sup> but that in coping with real Communists and a

<sup>65</sup> In the Fund pamphlet this sentence is rephrased to read "to soothe a misled public." real loyalty problem, the public mood is not irrelevant to security analysis, and cannot be waved away with a reference to the mood at Salem. \* \* \*

The above quote was used to point up a conflict of facts as expressed by Westin in two articles. It can be further used to show how Westin modifies his expression to change his position. Westin, in his Fund pamphlet, used the above paragraph in relationship to the creation of the loyalty-security program. A comparison of the two paragraphs is evidence of the fact that the Freedom Agenda program was not intended to be an objective presentation of the facts which surround the fields discussed under the program.

## I.LINO REGAL—AB 43

That bias guided the pen of certain Freedom Agenda authors has been dealt with in the past. The motivation is contained in the files of the Committee. A great deal of material relating to a bias must be contained in the files of the FBI. Much of the bias is documented by the actions and advocations of the authors of the subjects discussed as a part of the Freedom Agenda program. These include opposition to legislative investigations of communism, opposition to the removal of Communists from positions in government or in defense facilities or colleges, and opposition to legislation such as the Smith and Internal Security Acts. It also includes the distortions of the Committee on Un-American Activities by Robert K. Carr, as set forth in his book "The House Committee on Un-American Activities." Former Committee Chairman John S. Wood (Democrat, Georgia) gave Professor Carr full access to the committee's files. He spent weeks examining both public and executive documents and hearings. His fraudulent misrepresentations were inexcusable, even though the committee has ignored them.

That Professor Alfred H. Kelly, Freedom Agenda's director, was opposed to legislative investigation was unknown until he testified before a committee of the Senate on August 29, 1955. During the course of his testimony, Senator Carlson read into the record an article from the Detroit Free Press of April 13, 1947. The article which tended to dispute Dr. Kelly's testimony, read as follows:

The discussion of academic freedom before a meeting of the Lawyers Guild turned into a series of attacks on the legislature for its investigation of American Youth for Democracy activities in Michigan colleges.

About 150 lawyers from 4 cities heard the discussion at the regional conference of midwestern chapters of the guild. The conference will continue Sunday at the Hotel Statler. Dr. Alfred Kelly, of the Wayne University history department, said:

"There is no reason why the State should be concerned with what they (students) have to say."

He charged the legislative committee, headed by State Senator Mathew Callahan, with unwarranted interference with academic freedom. "The Present Red scare has an artificial air," he said. "A professional political air." "It is being used as a means to win public office."

He characterized the AYD as an evidence of the age-old revolt of the younger generation and said, "Senator Callahan lacks historical perspective or he would realize this."

<sup>66</sup> Federal Employees Security Program, testimony p. 479.

In response to a question by Senator Carlson about "instances where you have attacked congressionally appointed committees . . .", Dr. Kelly responded, "Sir, I have thought that on occasion the House of Representatives Un-American Activities Committee conducted itself improperly with respect to the Bill of Rights, that is correct. I am in writing on this point."<sup>67</sup>

<sup>67</sup> Federal Employees Security Program, testimony p. 481.

The writings located by the Committee are "The American Constitution, Its Origins and Development", copyright 1948, and the revised edition copyright 1955. From two short paragraphs in the 1948 version, the Committee treatment became a chapter in the revision. The revision which quotes only the expressions in opposition to the Committee, commences "The Red-hunting activities of congressional committees were a particularly controversial aspect of the postwar pre-occupation with the problem of communism."

Dr. Kelly, in addition to being the program director, was the author of the pamphlet "Where Constitutional Liberty Came From." It is a factual and concise recitation of the origin of our Constitution and Bill of Rights. However, it is like other booklets used in connection with "Freedom Agenda", a historical recitation intended to introduce a political position of the author.

The historical portion of the booklet is the introduction to the last four and one-half pages which argues that the "loyalty programs, security clearance, prosecutions under the Smith Act, political rights of Communists, and the like" threaten the Constitution and Bill of Rights. The author, acknowledging that there does exist conflicts between his views and the views of others, writes:

This conflict cannot be resolved here; but it is necessary to remember that freedom is intrinsically so precious that it is

## LINO REGAL—AB 44

worth exposing the society to some degree of risk in order to maintain it. Security is a genuine problem, but an America which sacrificed constitutional liberty to security would be an America in which something of the inner meaning of American life had been destroyed. A society without security could hardly survive in the twentieth century, but a society with security and without liberty would not be worthy of survival.<sup>48</sup>

<sup>48</sup> Where Constitutional Liberty Came From, p. 43.

Dr. Kelly argues that the threat to the liberties of communism, which he tries to protect under an absolute individual liberty theory, is being threatened by his finding that "millions of people no longer believe in a system of natural law and absolute natural right. Individual liberty, therefore, lacks any real moral force for them;". The author ignores that it was the defeat of these moral forces by atheistic communism which resulted in the enslavement of the peoples of Hungary. It was this same moral force which led the October 1956 revolution which the atheistic forces of Russia attacked with guns and tanks.

Dr. Kelly dwells with the open society which our forefathers described as the market place of ideas where truth would expose the falsehoods of tyranny. He conceals the fact that communism and the Communist Party cannot survive in such a market place, and that this fact is the reason for the conspiratorial nature of communism. If Dr. Kelly knows this latter fact, he then knows that the Communist teacher conceals his Communist Party membership to sell the Communist program in the name of liberalism. For the same reason, he knows that the Communist trade union leader conceals his Communist membership to sell the Communist program in the name of Tradeunionism. He also must know that these are the reasons behind the Communist formation of its front organizations or its infiltration and eventual control of existing organizations. Was the Communist International's United Front program of the 1930's, or is Nikita Khrushchev's program of today a policy in support of the open market place of ideas?

Dr. Kelly does not in this booklet comment upon congressional committees investigating fascism or communism. However, as a Director of the Freedom Agenda program, he has played a role in the attack on congressional committees which is represented in the other booklets of the program and its suggested readings.

What has been the accomplishments of this program, financed by \$44,365 appropriated by the Fund for the Republic? The League of Women Voters had this to say of it at their 1956 convention:

Now is the time for American citizens to get an objective view of the entire problem. The League, with its two year background of re-examination of our constitutional heritage, is well qualified to undertake such an objective consideration of the federal loyalty-security programs—to evaluate its findings and to act upon those findings to influence public opinion when the occasion arises, through legislation. There is no better way for the League of Women Voters of the U. S. to demonstrate political responsibility than to take up this challenge now.<sup>49</sup>

<sup>49</sup> Presentation to Council of the League of Women Voters of the United States, April 1957.

Not only has the Fund attempted to propagandize the people in the acceptance of Communists, but they have awarded individuals and organizations that have accepted them.

### MARY KNOWLES AWARD

The Fund for the Republic issued a press release to the a. m. papers for Thursday, June 23, 1955. This release read: "A Quaker meeting in Plymouth Meeting, Pa., was today awarded \$5,000 by the Fund for the Republic, Inc., for 'courageous and effective defense of democratic principles' in refusing to dismiss a librarian who would not take the

## LINO REGAL—AB·45

Pennsylvania loyalty oath." Robert M. Hutchins, president of the Fund, was quoted in the release as saying:

I hope that Plymouth Monthly Meeting's example will be followed elsewhere in America, particularly when our libraries—which seem to be a special target of self-appointed censors and amateur loyalty experts—are involved.

With this announcement, the Fund for the Republic, an educational foundation, made an award of deceit which exemplifies many of the Fund for the Republic awards and actions. The dedication which the officers of the Fund for the Republic work toward assisting individuals who refuse to betray the Communist Party and the destruction of individuals who, seeking to expose the Communist Party, cannot be exceeded by the Communist Party itself.

The first and most minor of the Fund's deceptions in connection with this award is contained in the press release. While announcing that "today," June 23, the Fund for the Republic approved its award, it concealed the fact that the award was approved on May 19 and that the ensuing period had been used by the officers of the Fund to set its strategy on a propaganda campaign. A campaign which is dictated by a pencilled note appearing on a memorandum of the Fund of June 20, 1955, reading: "P. Hoffman wants to see this on the front page of everything."

On July 6, 1955, Mrs. Eleanor B. Stevenson of the Fund presented a check in the amount of \$5,000 to the Plymouth Monthly Meeting. The press releases of Mrs. Stevenson's speech stated that the award was for "effective defense of democratic principles." Mrs. Stevenson, in her speech, also stated that the award was made because an unfair attack had been made on Mrs. Mary Knowles. She claimed that the Plymouth meeting knew that the attack was unfair because the Jeanes Memorial Library Committee had made "an honest and painstaking investigation" prior to hiring Mary Knowles. This investigation, according to Mrs. Stevenson, had found that Mrs. Knowles was a loyal American. As a matter of fact, the Fund in attesting to the thoroughness of the Jeanes Memorial Library Committee investigation was returning the compliment which the Fund itself had received from the library committee on June 23, the date the approval of the award was announced. At that time, the Library Committee said in a press release:

We are, of course, immensely grateful for this recognition. One of the things we have found most gratifying about this award is the thoroughness of the study made by the Fund for the Republic. The Fund examined the library committee's complete file, including all letters of support or condemnation, all press releases and printed matter, petitions and minutes, together with such interviews as they felt necessary to their decision. \* \* \* 70

<sup>70</sup> Jeanes Memorial Library Committee press release, June 23, 1955.

"Such interviews as they felt necessary" is the key of interest. The officers of the Fund had approved the \$5,000 award on April 20, 1955, at least 2 weeks before its investigator made the thorough study for which they were commended by the Library committee. The Un-American Activities Committee has a document in its possession to prove this statement. The investigator's report is of considerable interest in that it shows that the investigator discussed the award directors of the Fund were not even advised of this award until May 10, 1955. Under a heading "An Award From the Fund," the investigator's report reads:

The members of the library committee would be more than grateful if the meeting received an award from the Fund for its defense of civil liberties. \* \* \* An award of \$5,000 would be a great boon for the Library.

Why did the library committee desire this award and the Fund desire to grant it? In order to, first, bring outside pressure to the assistance of the library committee and, second, to strengthen their position within the religious body, the Plymouth Monthly Meeting. For the proof, let's again turn to the investigator's report:

## LINO REGAL—AB 46

They [library committee] are not seeking publicity, but such an award would symbolize outside public opinion supporting the decision of the meeting [Plymouth monthly]. \* \* \* It is, of course, possible that the pressure from within the Meeting might one day force them to change their decision. However, the [library] committee members believe that an award from the Fund would considerably strengthen their stand. It would also eliminate the possibility of the library committee's capitulation if lack of funds forced the closing of the library. No one believes that an award would make the controversy more bitter or act as a greater divisive influence within the community. The members of the library committee are not looking for a "pat on the back." But John Archibald, clerk of the meeting, said that it would be wonderful if someone told them: "Here's a chair. Sit down for a few minutes."

The Fund for the Republic assigned Maureen Black Ogden, a member of its staff, to make a "impartial" investigation of the facts. Before we examine further the campaign of deceit which was engaged in by the Fund for the Republic, let us examine the facts:

Mary Knowles was born Mary Gardner in Massachusetts. She was educated in the Watertown public schools and completed her formal education after her junior year at Bates College in 1933. While at Bates, she met and married Clive Knowles, from whom she is now divorced. Clive and Mary Knowles were active in behalf of the Communist Party in New York and Massachusetts prior to 1944, when the Communist Party formed in Boston, Mass., a "Workers' School." After the Workers' School had held only three or four classes, it was exposed in the Boston press as a school of the Communist Party. Thereafter, it lost the facilities in which it conducted its classes and was forced to close.

Almost immediately thereafter, the Communist Party was instrumental in having organized the Samuel Adams School for Social Studies. The Communist Party was able to get Professor Harrison L. Harley to serve as director of the new school. They had been successful in getting him prior thereto and for many years thereafter to support many of their Communist undertakings. Harley was not a card-carrying member of the Communist Party and because he was not, he was only the figurehead director. The school was under the complete control of the executive secretary, Margaret Gilbert. She was a top functionary of the Communist Party and a person very influential within the professional section. Margaret Gilbert, who was subsequently indicted under a Massachusetts syndicalism statute, which indictment was dropped as a result of the Steve Nelson decision by the Supreme Court, admitted to the Committee on Un-American Activities that she was a member of the Communist Party during the period she was executive secretary of the school. The treasurer of the school was Harry Winner, a relative of Mary Knowles and an individual indicted along with Margaret Gilbert under the Massachusetts syndicalism statute. Mary Knowles resided at the Harry Winner residence.

The Samuel Adams School differed from the Workers' School in that its curriculum included courses of studies which would bring under the influence of the Communist Party children as young as age six. It was to these children that Mary Knowles applied small doses of communism. The Samuel Adams School enrollment was not restricted to only members of the Communist Party, but was a school designed to bring non-Communists under Communist Party influence, if not direct membership. History will show how many youths instructed by Mary Knowles at the Samuel Adams School were started on the road to eventual Communist Party membership and possible treason against the United States.

Mary Knowles' position within the Communist Party was of such stature that she succeeded Margaret Gilbert as the school's executive secretary and in this position took over the direction of the school.

## LINO REGAL—AB 47

Mary Knowles, according to the winter term 1948 catalog of the school, held the position at the time the school was cited as a Communist school by the Attorney General of the United States and held it at the time the school lost its Federal tax exemptions which resulted in its closing.

Mary Knowles needed employment after the school was closed and the Communist Party, through its connection with the Communist-dominated United Electrical, Radio and Machine Workers of America, at that time a CIO-affiliated union, arranged for her employment on the staff of UE. While a good Communist, Mary Knowles was a poor union organizer and she held this employment for only a few months. Thereafter, Mary Knowles applied for the position of a librarian with the Morrill Memorial Library, Norwood, Mass. In her application for employment, she concealed her employment with the Samuel Adams School and her membership in the Communist Party.

By this time, the first indictments of Communist Party leaders under the Smith Act had been made public and the Communist Party had been reorganized to the point where it no longer issued Communist Party cards. People of professional standing or those affiliated with professional sections of the Communist Party were placed in positions where they could forever thereafter deny membership on the basis of their not holding Communist Party cards.

Mary Knowles continued an association with those she knew and met as members of the Communist Party until she learned that members of the library committee and town officials of Norwood, Mass., had learned of her Communist Party membership. She thereafter almost completely discontinued any such association. On May 9, 1953, Herbert Philbrick, who had joined the Communist Party at the request of the Federal Bureau of Investigation, testified before the Senate Subcommittee on Internal Security. During the course of his testimony, Philbrick identified Mary Knowles as a member of the professional section of the Communist Party in Boston, with whom he met as a member of the professional section. What was Mary Knowles' reaction to the testimony of Philbrick? The Boston Evening American, on page 5 of its issue of May 9, 1953, headlined a story "Philbrick Red Charge 'Shock' to Librarian". The story starts out:

Mrs. Mary Knowles of Cottage St., Norwood, named as a Communist by former FBI counterspy Herbert Philbrick, declared today she didn't even know the man who made the accusations at a hearing before the Senate Internal Security Subcommittee at the Federal Building.

The trustees of the Morrill Memorial Library called a special meeting on Saturday, May 9, to consider action in regard to Mrs. Mary Knowles' offer to resign. The minutes of this special meeting reflect that Mrs. Knowles, who was present at the meeting, was "unwilling to confirm or deny that she is a Communist." The trustees voted to suspend Mrs. Knowles without pay until additional information relative to public statements made about her was received. That the trustees of the Library were in sympathy with Mrs. Knowles is substantiated by the fact that she was only suspended even though the minutes read: "Every member of the board and the librarian expressed regret that Mrs. Knowles was unwilling to state whether she is or is not a Communist."

On May 20, in response to a subpoena, Mrs. Knowles appeared before the Senate Internal Security Subcommittee for the purpose of giving sworn testimony. During her appearance, she invoked the fifth amendment with respect to her membership in the Communist Party at any time, either in 1948 when Herbert Philbrick knew her as a Communist or as of May 20, 1953, when she was appearing before the committee. As a matter of fact, she invoked the fifth amendment as to whether she knew Herbert Philbrick. Yet she denied in the public press that she even knew him. Following her public appearance, she issued a press release which, among other things, indicated that she was innocent but was being persecuted through the statements of a paid informer.

The trustees of the Morrill Memorial Library at a regular meeting, on June 1, 1953, again considered the employment of Mary Knowles.



## LINO REGAL—AB 48

The minutes of this meeting set forth the following:

The librarian was instructed to telephone Mrs. Knowles, to give her one more chance to clear herself of the charge of being a Communist; if that was not accepted, to say the Board had decided to accept her offer to resign and would send a messenger to get her resignation in writing. In reply to this message, Mrs. Knowles again declined to change the previous refusal to state whether she is or is not a Communist and agreed to write a resignation.

When her letter came it stated the previous verbal offer to resign had been prompted by her regard for Miss Phillips, and a desire to spare her trouble; that the situation had expanded since that time and she found she did not wish to resign.

Now Mrs. Knowles had offered to resign in the statement to the press of May 9, 1953. She is quoted in the press at that time as saying:

It seems the natural thing to do, I wanted to spare the trustees and the Library any embarrassment or publicity which resulted from Mr. Philbrick's naming me.<sup>71</sup>

<sup>71</sup> Boston Evening American, May 9, 1953. p. 5.

It seems doubtful that Mrs. Knowles was considering the trustees of the Library but, rather, was considering only herself, who, if she resigned, would be forgotten as someone identified by Philbrick. In June when the trustees were willing to accept Mrs. Knowles' resignation and save her from the embarrassment of having to advise subsequent employers that she had been fired from the Morrill Memorial Library, she withdrew her resignation. This defiance on the part of Mrs. Knowles forced the trustees of the Morrill Memorial Library to adopt the only course of action available to them, an action which, according to minutes, is described: "Dismissal then seemed the only course open to the Board." Mrs. Knowles was thereafter advised that she was terminated.

The first employment for which Mrs. Knowles received consideration following her termination with the Morrill Library on June 1, 1953, was with the Library at the University of Pennsylvania. She applied for this employment on October 8, 1953. On the same date, the University of Pennsylvania wrote to the Morrill Memorial Library for a recommendation. Miss Edna Phillips, librarian, Morrill Memorial Library, responded to this letter on October 13, 1953. In her letter, Miss Phillips, while recommending her for the position, advised the library at the University of Pennsylvania that Mrs. Knowles was asked to leave because she was unwilling to confirm or deny to the Morrill Library Board of Trustees her membership in the Communist Party. On October 28, 1953, the assistant librarian at the University of Pennsylvania Library, wrote Miss Phillips in part:

We all enjoyed meeting her and regretted that the same circumstances which surrounded her association with you prevented our selecting her for the position in question.

On October 15, 7 days after she was denied employment by the University of Pennsylvania Library, Mary Knowles met with the trustees of the William Jeanes Memorial Library at Plymouth Meeting, Pa., who were in search of a temporary or indefinite replacement for their librarian who was incapacitated with a broken hip. During the interview, Mary Knowles advised them that she had been a secretary at the Samuel Adams School, which had been cited by the Attorney General and that she had appeared before the Senate Committee and invoked the fifth amendment with respect to this position. The trustees did not know that she had been a member of the Communist Party because she did not advise them. This is substantiated by Mrs. Knowles in her testimony before the Senate on September 15, 1955:

Mr. SOURWINE. Did they know that you had been a member of the Communist Party?

Mrs. KNOWLES. They did not ask me and I did not tell them.

## LINO REGAL—AB 49

Without even inquiring as to whether or not Mary Knowles had ever been a member of the Communist Party and without any investigation, Mary Knowles was hired by the trustees of the William Jeanes Memorial Library. After she was hired, Alice H. Ambler, secretary of the Jeanes Library, wrote Miss Edna Phillips: "Mrs. Knowles, formerly on your staff, has been suggested as a person who could help us in this emergency. Last evening she met with our board and apparently told us her story very frankly. In spite of the story, we were so well impressed with her and because of our great need, we engaged her on a very temporary basis. \* \* \*

On October 19, 1953, Miss Edna Phillips wrote Miss Alice H. Ambler as follows:

MISS ALICE H. AMBLER,  
*Plymouth Meeting, Pa.*

MY DEAR MISS AMBLER: As you mention Mrs. Knowles' having told your Board of Trustees her story very frankly, I assume you know our Board of Trustees felt it necessary to ask her to leave here because: Following the testimony of Herbert Philbrick, the Jenner Committee summoned her. She invoked the fifth amendment in refusing to answer their questions. She was unwilling to confirm or deny to our Board of Trustees her membership in the Communist Party.

Mrs. Knowles' position was based on her belief that the first amendment to our Constitution protects a citizen from having her convictions probed.

During nearly 5 years prior to this episode Mrs. Knowles' record with us was excellent. (I heard of her through the Massachusetts Division of Library Extension, and had high commendation of her from her former chief, the librarian of the Watertown, Mass., public library.)

While I do not share her position in regard to not answering our board's questions about her status with the Communist Party, I have found her, in her life and work with us, very intelligent, well-read, capable, and unusually considerate of others—both our readers and her fellow staff members. She is gifted in her work with young people and has a fine sense of humor.

Aside from the episode I have described, I can heartily recommend her for the position you mention.

Sincerely yours,

*Librarian.*

Early in 1954, the regular librarian of the Jeanes Library returned to employment and Mary Knowles was released. Thereafter, Mary Knowles sought employment with the Memorial Library of Radnor Township, Wayne, Pa., and at the Moorestown Free Library, Moorestown, New Jersey. While the reasons are not known why the Radnor Township Library did not hire Mary Knowles, it is known that the Moorestown Library did not hire her because she refused to advise them with respect to her connections with the Communist Party. By September 1, the trustees of the Jeanes Library had forced their permanent librarian to resign and had rehired Mary Knowles, whom they had still not asked whether she was a member of the Communist Party.

Prior to Mary Knowles' reemployment, her past record became known to residents of the community of Plymouth Meeting, Pa. After her permanent employment, protest was raised by members of the community. This protest was continuing when Mrs. Charles Chapple sought assistance from individuals who had direct connection with the Fund for the Republic. This assistance came through Harry E. Sprogell, an attorney in Philadelphia, who wrote a memo on the Plymouth Meeting controversy, which memo was submitted to the Fund for the Republic by John P. Roche, a professor in the political science department of Haverford College. On the basis of this memorandum, the Fund for the Republic officers approved an award of \$5,000. After the investigation by Maureen Black Ogden of the Fund staff, a special committee of the trustees of the Fund approved the award. The October 19, 1953, letter from Miss Edna Phillips was certainly a part of the file of the Jeanes Memorial Library, to which Miss Black, in her report to the Fund for the Republic, acknowledged that she had complete access. The Fund for the Republic, in approving the award, knew from this letter that Mary Knowles had been dismissed by the Morrill Memorial Library because of her unwillingness on June 1, 1953, to confirm or deny to the board of trustees of the Morrill Memorial Library her membership in the Communist Party. With these facts, each of which is documented by records in the possession of the committee, can one but wonder whether or not the Fund for the Republic by this award, described by it as being for "courageous and

## LINO REGAL—AB 50

effective defense of democratic principles," be a friend or foe of the international Communist conspiracy.

The Committee on Un-American Activities held hearings on the award to the Jeanes Memorial Library on July 18, 1956. In order to obtain the facts, the committee, after having been refused the right to review the files, issued a subpoena for the documents contained in the files of the Jeanes Memorial Library. The Committee was attacked for issuing such a subpoena by Harry E. Sprogell, attorney for the chairman of the Jeanes Memorial Library Committee, on the ground that these records were a part of the Religious Society of Friends and protected from subpoena by their religious nature. It is now clear, from the documents in the Committee's possession, that to have produced such files would have produced further evidence of deceit on the part of the Jeanes Memorial Library toward the Plymouth Monthly Meeting members and flagrant misstatements of fact as contained in both the Sprogell memorandum and the report of the Library Committee to the Plymouth Monthly Meeting dated October 1954. Also subpoenaed at the hearings was Maureen Black Ogden, the staff member of the Fund for the Republic who conducted the investigation. She was subpoenaed to produce records of the Fund for the Republic relating to their award to the Plymouth Monthly Meeting. This subpoena was also issued after a request for voluntary production of the documents was denied by the Fund for the Republic. These documents shall be discussed because they can document the propaganda activities engaged in by the Fund for the Republic, in addition to documenting the Fund's contempt for all groups whose actions do not conform with those of the Fund.

If the Committee had been given access to the files of the Jeanes Memorial Library, they could have documented the facts prior to the hearing held on July 18. The Committee could have shown then, as it shows now from the facts set forth earlier in this report, that when Harry E. Sprogell related in his memorandum that the trustees of the Morrill Library in Massachusetts asked the Jenner Committee to call Mary Knowles before it, to clear her name, these were not the facts; that equally false was the claim of the Sprogell memo that Mary Knowles had declined a loyalty oath which was required of her by Massachusetts law. The file would also have disclosed that Mary Knowles had refused to state to prospective employers whether she was affiliated with the Communist Party then or at any time rather than, as set forth in the Sprogell memo, that she had been unable to obtain employment because she had disclosed these facts frankly to all prospective employers. Mary Knowles' own testimony before the Senate committee disputes the Sprogell memorandum claim that she had disclosed the facts of her Communist background. The file would have made a travesty of the truth to the Sprogell claim that the Meeting had conducted a careful investigation into her conduct since 1947. As a matter of fact, up to and including July 18, 1956, the Jeanes Memorial Library Committee had conducted no investigation into Mary Knowles' background. Other discrepancies as contained in the Sprogell memorandum can be seen from a comparison of the complete Sprogell memorandum as reproduced in the printed report of the committee's hearings of July 18, 1956, with facts as set forth above.

Mrs. Lillian P. Tapley, chairman of the Library Committee of the William Jeanes Memorial Library, Plymouth Meeting, Pa., was also subpoenaed and did appear before the Committee on July 18, 1956. She was accompanied by her counsel, Harry E. Sprogell, the author of the Sprogell memorandum from which this report has quoted above. Mrs. Tapley commenced her testimony by seeking and obtaining permission to introduce into the record a statement with certain enclosures. As it is the enclosures to the statement which are in most conflict with the facts, it is the enclosures that will be dealt with here primarily. It is desirable to point out, however, that Mrs. Tapley testified under oath before the committee: "We asked her if she was a Communist and she said no, she definitely was not." Yet Mary Knowles, in testifying before the Senate, testified: "They did not ask me and I did not tell them." Either the statement of Mrs. Tapley or that of Mrs. Knowles is an untruth. The truth lies with them. Certainly the conflict of truth does not exemplify the "Christian beliefs of the Religious Society of Friends," which Mrs. Tapley established as her rule of conduct.

## LINO REGAL—AB 51

Bearing in mind the facts as set forth above, all of which can be documented by evidence in files of the committee, let us consider the report of the Library Committee made to the Plymouth Monthly Meeting and dated October 1954. The report first deals with Mary Knowles' professional qualifications. The exaggerations of Mary Knowles' employment at the Watertown, Mass., library are not important enough to discuss, but the sentence relating to her employment with the Samuel Adams School for Social Science is the first proof of the fact that no investigation was made into the background of Mary Knowles. The report states: "Taking up full-time employment again in 1945, she was a member of the office personnel of the Samuel Adams School for Social Science for two and a half years." This is not in accord with the facts as set forth above, facts which could have easily been ascertained from catalogs of the school which were available to anyone desiring to look for them. These catalogs, as it has been pointed out, would have shown that she was an instructor of children in a Communist school and also the executive secretary rather than a member of the office personnel.

The report continues with the advice to the Plymouth Monthly Meeting that from the Samuel Adams School for Social Science, Mrs. Knowles went as librarian in 1948 to the Morrill Memorial Library in Norwood, Mass., where she served for a period of nearly 5 years. This report does not set forth the circumstances under which Mary Knowles' employment with the Morrill Library was terminated. The reasons, which are set forth above, were known to the Library Committee and shall be dealt with in the letter from Edna Phillips.

After dealing with Mary Knowles' professional qualifications, the report states that the appointment of a librarian requires not only professional competence but involves the affirmative obligation of being diligent and loyal in citizenship. The Library Committee report states that any investigation finds that Mary Knowles meets the requirements of citizenship, professional competence, and character and then goes on to try to prove it to the Plymouth Monthly Meeting. The first two paragraphs after these findings identify Dr. Harley of Simmons University and Professor Struik of MIT as being among those affiliated with the Samuel Adams School. The report then states: "We found no one connected with the school who had not availed themselves of the protection of the fifth amendment." If the Library Committee examined the transcript of the witnesses, including Dr. Harrison Harley, they would have noted that he denied under oath that he was ever a member of the Communist Party. Professor Struik did invoke the fifth amendment, but denied to MIT that he was affiliated with the Communist Party. The Library Committee then reports the observation that both Dr. Harley and Professor Struik were retained by their respective colleges. This could well be the reason why the Library Committee concealed from the Plymouth Monthly Meeting the fact that Mary Knowles' dismissal from the Morrill Library resulted from her refusal to tell the trustees of that library what her affiliation was with the Communist Party as of June 1953.

The Library Committee report then deals with a statement made by Senator Welker which related to waiver of immunity, and the report assumed that in order to keep from naming other people Mrs. Knowles had invoked the fifth amendment. As a matter of fact, the Library Committee stated in the report: "We believe it did." How this belief can be reconciled with the press release issued by Mary Knowles following her appearance before the Senate Committee cannot be visualized by a reasonable person. The Library Committee then inferred that Philbrick might have been mistaken in his identity of Mrs. Knowles because, in an appearance before the Committee on Un-American Activities in 1951, he had not mentioned her, but, of course, this is what Mrs. Knowles implied when she inferred, following her testimony in 1953, that she was being persecuted as an innocent person by a paid informer. Mrs. Knowles has had ample opportunity, under oath, to deny her membership in the Communist Party and her knowledge of Herbert Philbrick. It is not for the Library Committee, which is intent on expressing Christian beliefs, to make such inferences.

The Library Committee report, while attempting to discredit Philbrick's testimony in one instance, in the following paragraph attempts

## LINO REGAL—AB 52

to use his testimony to obtain support that Mrs. Knowles is not a Communist. The Library Committee points out that Philbrick testified that during his membership in the Communist Party he knew that Communist Party members did not hesitate to swear falsely as to their party membership, but pointed out that Mrs. Knowles had refused to sign an oath that she was not, the inference being that if she was a member of the Communist Party she would not have hesitated to sign the oath.

The report then states: "The following are statements from letters in our files of people who were thoroughly familiar with Mrs. Knowles' immediate background and who, of course, knew her personally." There are then quoted three letters received in connection with the Library Committee's "thorough" investigation of Mary Knowles' background. Of the three, Edna Phillips had known Mary Knowles for 5 years. Professor Henry J. Cadbury had known her personally during her connections with the Samuel Adams School and subsequently during her employment in Norwood, Mass., but Hannah Severns of Moorestown, N. J., who wrote a letter dated May 4, 1954, had never met Mary Knowles prior to February 12 of the same year. Henry J. Cadbury wrote in October 1953, as chairman of the American Friends Service Committee. Cadbury's position with respect to the Communist Party and the attitude of its members before Congressional committees is public knowledge. In 1951, when the Communists were being subpoenaed from the Boston area, Professor Cadbury was one of those who took a paid advertisement in a Boston newspaper and publicly urged those individuals appearing before the committees to refuse to testify about their Communist affiliates or associates.

That part of the letter of Cadbury's which is quoted refers to Mary Knowles' Communist Party membership as "bogey of a distant past" and sets forth the assumption that her invocation of the fifth amendment was because of her desire to defend others rather than herself. Professor Cadbury's letter could have been the cause of the similar inference by the Library Committee, but, if so, it is erroneous in light of the facts. Cadbury is equally ill-informed when he sets forth that Edna Phillips "has never detected any hint of dishonesty or even secrecy in all other matters." As we shall see from the Edna Phillips letter of October 19, 1953, Miss Phillips did have knowledge of her secrecy and it was this secrecy which forced her dismissal from the Morrill Memorial Library.

In dealing with the letter which the Library Committee received from Edna Phillips, the Committee report slaps Christian beliefs and ethics in the face. The report to the Plymouth Meeting leaves out the first two paragraphs of Edna Phillips' letter without any of the standard notations used to show such deletions. Let's read these two paragraphs:

As you mention Mrs. Knowles' having told your board of trustees her story very frankly, I assume you know our board of trustees felt it necessary to ask her to leave here because: Following the testimony of Herbert Philbrick, the Jenner Committee summoned her. She invoked the fifth amendment in refusing to answer their questions. She was unwilling to confirm or deny to our board of trustees her membership in the Communist Party.

Mrs. Knowles' position was based on her belief that the first amendment to our Constitution protects a citizen from having her convictions probed.

The third paragraph of the October 19 letter is quoted correctly, although it is quoted as the first paragraph of Miss Phillips' letter. The following quoted paragraph also omits without acknowledgment pertinent language. The paragraph as reported in the Library Committee report starts off: but "I have found her" is the latter part of the sentence. If the Plymouth Meeting body were honestly apprised of the Edna Phillips' letter, the paragraph would have started out:

While I do not share her position in regard to not answering our board's questions about her status with the Communist Party, I have found her, \* \* \*.

## LINO REGAL—AB 53

The fifth paragraph of Edna Phillips' letter is made a part of the second paragraph as quoted in the Library report. For the first time, the Library Committee indicates by asterisks that they have omitted something from Miss Phillips' letter. The words omitted, "Aside from the episode I have described," had to be deleted in order not to expose the fraud which had been committed by deleting, without reference, the first two paragraphs.

The excerpted letter of Hannah Severns to the Library Committee, as reproduced in its report of October 1954 may or may not be as complete as represented in the report. They do point out the fact that the Morrestown Free Library denied Mary Knowles employment because she refused to tell them where she stood with respect to her affiliations with the Communist Party as of 1954.

On February 12, 1954, Hannah Severns, librarian of the Moorestown Free Library, wrote to the Norwood Public Library:

The other evening I saw Dr. Henry Cadbury and he mentioned to me a former member of your staff, Mrs. Mary Knowles, who wishes to find a library position. Henry Cadbury considers her a very excellent person.

We are looking for a person qualified as a general assistant with a special interest and experience in the field of work with children and young people.

Henry Cadbury told me briefly of the unfortunate circumstances which prompted Mrs. Knowles to resign from your library, and the need for her to locate in a more understanding community. I have mentioned nothing regarding this background to anyone on our board, but would like to have from you any part of the story you think might be necessary for us to know. I need also to know her qualifications and your fair appraisal of her ability and personality. \* \* \*

From this quoted letter, we see that Hannah Severns knew nothing of Mary Knowles and her background but what she had heard from Henry Cadbury, who also recommended Mary Knowles to Jeanes Memorial Library. Yet we find Hannah Severns on May 4, 1954, describing Mary Knowles as a person "of rare spirit and magnanimity". It appears that the Library Committee desired the Plymouth Meeting body to assume from the character of the recommendation of Hannah Severns that there had existed between her and Mary Knowles years and years of personal and knowledgeable relationship.

The opening statement and the enclosures are reproduced in the printed hearings held on July 18, 1956. The entire statement and its enclosures should be examined in light of the facts as set forth in this report.

Early in 1957, following the committee hearings, the Civil Liberties Committee of the Philadelphia Yearly Meeting of the Religious Society of Friends issued a booklet which they titled "The Plymouth Meeting Controversy". This booklet, which was apparently designed to discredit the investigation of this committee and to support Mary Knowles in her employment by the Library Committee, builds its defenses around the beliefs and convictions of Mary Knowles. The booklet repeats many of the misstatements of facts which we have dealt with in the case of the Sprogell memorandum, and the statement and enclosures supplied to the Committee by Mrs. Lillian P. Tapley. The booklet, however, introduces a new item in the form of a statement issued by Mary Knowles to the board of trustees of the Morrill Memorial Library in Norwood, Massachusetts. The technique of omission or deletion of pertinent portions of this statement are engaged in by the authors of the booklet in order to change Mary Knowles' beliefs and convictions which the statement represented.

The booklet states on page 5: "Because Mary Knowles' beliefs and convictions are the foundation of 'The Plymouth Meeting Controversy,' excerpts from her May 1953 statement to the board of trustees of the Morrill Memorial Library are reproduced here;" The full statement issued by Mary Knowles is in possession of the committee, and in order that her beliefs and convictions may be assessed in light of the content of the full statement, it will hereafter be reproduced. Those items deleted from the statement as reproduced in the booklet are in



# LINO REGAL—AB 54

italics. It should be noted that the deletion removes from the statement such reasons invoked by Mary Knowles for refusing to testify as "besides that, I refuse to be an 'informer', paid or otherwise." The statement as reproduced in the booklet does contain Mary Knowles' opinion that the Senate Subcommittee, before which she appeared, was unconstitutional, and that through its investigations we are being led on the path into totalitarianism and a police state. However, the report deletes Mary Knowles' statement that for this last belief she would refuse to testify if she had not taken other grounds into consideration. To use Mary Knowles' language, we read: "Therefore, I would refuse to 'cooperate' with these committees on the last-mentioned grounds alone, even if the other reasons given were not valid, but which I believe to be wholly valid and honorable."

The complete statement of Mary Knowles, whom the Jeanne's Memorial Library Committee found, meets the test of citizenship, reads as follows:

## STATEMENT OF THE BOARD OF TRUSTEES, MORRILL MEMORIAL LIBRARY, NORWOOD, MASS.

*At the request of Miss Maude Shattuck, chairman of the board of trustees, I have prepared the following statement, thinking that it may clarify my position on the events of the past 2 weeks. I am glad to do this, although I do not consider that the burden of proof should necessarily rest on me.*

*The situation being what it is, that I have been "suspended without pay from my position as South Norwood Branch Librarian, pending further clarification of public statements made about me"? I think that a résumé of my stand and the reasons therefore would be in order.*

From the beginning I have refused, as a matter of principle, to discuss my religion or my politics. This I did in the firm belief that freedom of religion and freedom of thought are guaranteed by the Constitution of the United States in the first amendment. That amendment was included in the Constitution because of a long struggle of the people against religious and political tyranny both in England and America when such freedoms were not inviolate, and when much unnecessary suffering and unjust persecution resulted. These freedoms were felt to be so important that the framers of the Constitution put them first in the Bill of Rights. If the first amendment means anything, it means freedom of thought and religion to all citizens at all times; not just to some citizens, or even to all citizens, some of the time. Implicit in the first amendment is also the right to refrain from speaking, as upheld by the Supreme Court of the United States, speaking through Mr. Justice Murphy (West Virginia State Board of Education v. Barnette), with these words: "The right of freedom of thought and religion as guaranteed by the Constitution against State action includes both the right to speak freely and the right to refrain from speaking at all."

This past week I appeared under subpoena before the Senate Subcommittee on Internal Security headed by Senator Jenner in Washington, in both secret and open hearings. In both instances I answered only questions as to my name, address and employment in the library. All other questions I declined to answer under the privilege granted by the fifth amendment, which says: "... that no persons shall be compelled in any criminal case to be a witness against himself". Lest this would seem not to apply, I would like to explain further. In the first place, I have committed no crime, nor am I facing criminal prosecution, but it is entirely possible that by testifying I could provide a link in a chain of events, or supposed events, which would render me liable to prosecution. Furthermore, the use of the fifth amendment does not imply guilt. As the United States Supreme Court stated in *Turner v. New Jersey*, the fifth amendment is a "protection for the innocent ... and a safeguard against heedless, unfounded or tyrannical prosecutions." In the second place, the investigating committees no longer uphold the validity of the first amendment and recourse to that amendment by the witness before the committee could very easily lead to contempt of Court citation and the ensuing jail sentence. In the third place, if, under compulsion [sic], I testified concerning my religion and politics, but refused to answer questions about others, I would also be held in contempt of court. Besides that, I refused to be an "informer", paid or otherwise. Fourth, if I refused to answer questions on moral or ethical grounds, without invoking the Fifth Amendment, I would also be held in contempt of Court, and again face a jail sentence. Fifth and last, I feel very strongly that these committees and their methods are highly unconstitutional; that they represent a deep threat not only to the strength of the United States, but also to the very form of the government itself; that through such investigations lies indeed the path of the United States into totalitarianism and the police state. This feeling has been greatly intensified since appearing before one of these committees. Therefore, I would refuse to "cooperate" with these committees on the last-mentioned grounds alone, even if the other reasons given were not valid, but which I believe to be wholly valid and honorable.

Although not necessarily pertinent to the situation at hand, I shall be glad to reiterate some of the moral and ethical principles by which I try to live, which I explained when I appeared before the Board of Trustees. I believe wholeheartedly in the brotherhood of man; that we are here to help one another in whatever ways we can, and to be helped; that service to others is a source of

## LINO REGAL—AB 55

one of the deepest satisfactions we can have. I believe in the freedom of the individual within the framework of the law; and that such freedom can best be attained by free access to knowledge and truth. By inference, therefore, I am opposed to all forms of discrimination and censorship on any grounds whatever. I believe in the basic goodness of men and in the limitless potentiality for good in the human race, given an opportunity to exercise their minds and hearts. I believe that peaceful and honorable settlement of worldwide situations is not only possible but imperative; that war is barbaric, stupid, uncivilized and needless. I believe firmly in the United States of America and in the documents upon which it is founded—The Declaration of Independence and the Constitution. I believe it is every citizen's duty to uphold these documents and the United States. This duty I have performed.

If a few more personal remarks may be added, I should like to submit that my case is a straight civil liberties issue, since at no time have my professional qualifications as a librarian been questioned, nor, I might add, my integrity as an individual. The issue seems to be whether or not an individual can maintain his means of livelihood and his conscience at the same time. *In order to keep my job, it has been suggested that I state my political beliefs and associations, and this, of course, I have refused to do. If the aim of the committees is sincerely to point out "clear and present danger" to the United States, let the issues be carried to the courts where they may be properly disposed of, according to due process of law. It would seem, however, that this is not the aim of the committees. It would seem, rather, that they choose this method to further personal political aims; and to weaken the country by the engendering of mass hysteria and fear.*

*The immediate situation, of vital concern to me, naturally, is the question of my reinstatement. It would seem that failure to reinstate me would indicate a basic disregard for the rights of private conscience. Although he is speaking specifically about academic freedom, I think the remarks of Professor Howard Mumford Jones in the current (June) issue of the Atlantic Monthly are pertinent here: "I am alarmed by the common acceptance of a situation in which responsible and intelligent administrators not only place the morality of the state above the right of private conscience, but go beyond the state in depriving witnesses both of their immediate jobs and of any prospect of future jobs in the profession for which they have been trained. . . . The situation thus developed by the administrators inevitably puts a premium upon the informer and penalizes him who does not believe it right to endanger the fortunes of other people."*

Whatever the decision of the Board, I trust it will be a decision based on the consciences and beliefs of the individual members of the Board for the best good of the library and the country; a decision reached without fear of reprisals and public opinion. In a sense the issue is a far-reaching one in that it concerns not only me as an individual, but also every individual in the country. The decision made by the board will become an instrument for good or for evil, not only in this commonwealth, but throughout the Nation.

[8] Mary Knowles

The documents submitted to the committee during the hearing by the Fund for the Republic, in accordance with the subpoena that had been served upon the Fund, were public documents in that they were available for review of anyone. This is true, even though the documents were not reproduced in full in the committee's report. As is the procedure of this committee and, of most of the committees of Congress, documents submitted in this manner have always been available for review by the press. The press reviewed these documents and one radio commentator elected to quote a document over his nationally syndicated, radio program. The Fund, even though it advertises itself as a champion of the Constitution and Bill of Rights, was offended by this action on the part of the radio commentator. They, therefore elected to deceive the American people by charging the committee with irresponsible action in making the documents which they produced in public session, available to the Press. By telegram to the committee on August 7 and by press releases, all of which were paid by the funds of a tax-exempt foundation, the Fund for the Republic accused the committee of:

an inexcusable violation of the investigative process, that you should have made available to a radio commentator, documents obtained under subpoena from the Fund for the Republic that were never made a part of the record. The Fund cannot be harmed by your irresponsible use of this material, but the prestige of Congress cannot fail to be damaged by this abuse of the powers lodged in you. This is another example of the hit-and-run tactics pursued by you and Mr. Walter in your dealings with the Fund for the Republic.

In attempting to defend itself, the Fund for the Republic has used tactics which are similar to the prosecutor asking the witness whether or not he has "stopped beating his wife." If the committee uses accepted processes in making documents available, which documents

## LINO REGAL—AB 56

have been submitted to it in open public session, then we are accused of making documents available which the Fund contends are not "a part of the record". Had the Committee refused to make the documents available to the Press and to the radio newscasters, then the Fund for the Republic would accuse the Committee, as it has done in the past, of withholding from the public information and thereby accuse the committee of being guilty of censorship. A complete examination of the Fund for the Republic, as reflected by this report, is considered by the committee to be an adequate answer as to whether it is the committee or the Fund for the Republic that is guilty of "hit-and-run" tactics.

The committee, in reviewing the minutes of the Board of the Fund for the Republic, noticed that at the meeting in February, the board accepted criteria which should be followed by officers of the Fund in making awards such as those made to the Plymouth Monthly Meeting, re Mary Knowles. At a conference between the staff of the committee and counsel of the Fund, the details of this criteria were requested. Counsel Webster, in his letter to the committee of July 2, 1957, denied that there was such criteria adopted, and submitted copy of criteria which was adopted by the board on May 19, 1955, the date upon which the board approved the award to the Plymouth Monthly Meeting. This is another example of the Fund refusing to produce information on the claim that the records were not accurate in their reflections.

We have outlined above, the facts surrounding Mary Knowles and her appointment to the Jeannes Memorial Library. We now ask that this award be again studied in light of the criteria which was adopted on May 19, 1955. We also ask that this criteria be examined in light of the activities engaged in by the staff of the Fund, in order to sell the Plymouth Meeting award to the American people, to the radio, press and other media. This is the criteria submitted to the committee by the Fund and represents the item which the employment of Mary Knowles met in order to justify the award.

"(a) Outstanding. The performance must be unusual, not generally duplicated by others in the same circumstance

"(b) The Significance. The example must be of kind to inspire emulation

"(c) Valid. The performance must be relevant to Fund's aims

"(d) Courageous. The performance must have involved some risk of money or of standing"

According to Fund Vice President Ferry, "P. Hoffman wants to see this on the front page of everything." In order to fulfill the direction of the boss, the staff of the Fund went into immediate action. Joseph Lyford, the Fund's top propagandist, went to work even before the Fund for the Republic announced its award. Look, Collier's, The Reporter, Time, Newsweek, and Life, all national magazines, were filled in with the Fund's version of the Plymouth Meeting controversy. The instrument used to notify this media, including Eric Sevareid of the Columbia Broadcasting System, was an edited version of the Maureen Black Ogden report. On the west coast, Halleck Hoffman, son of Paul Hoffman, who was on the payroll as an assistant President Hutchins, made contact with John Henderson, chairman of the Intellectual Freedom Committee, of the American Library Association. Henderson agreed to review the award and a copy of the edited Maureen Black Ogden report was submitted to each member of Henderson's Intellectual Freedom Committee. So sure was the Fund of support for this award, by the American Library Association, that July 6, the date of the actual award, was decided on by the Fund because the American Library Association was meeting in Philadelphia from July 4 to July 11.

In editing the report which was submitted to the Press, Radio and Television news sources, in addition to the Intellectual Freedom Committee of the American Library Association, Maureen Black Ogden included false statements relating to the circumstances under which Mary Knowles was separated from her position as a librarian in the Massachusetts community, together with the nature of the investigation made of Mary Knowles by the Jeannes Memorial Library Committee, including the statements made to the committee by Mary Knowles before she was originally hired in 1953. The edited version, like the original, continued to place the entire controversy upon Mrs.

## LINO REGAL—AB 57

~~Philip J. Corson~~ While this section of the edited report is almost word-for-word, a copy of the original, the report deleted the false statement of the original which reads "One of the agents [Federal Bureau of Investigation] told Mrs. Chapple—not for publication—that Mrs. Corson must be a 'crackpot'." It is assumed that the fear of a libel action on the part of Mrs. Corson, because no agent of the Federal Bureau of Investigation made such a statement to Mrs. Chapple, was apparently the motivation for the removal of this sentence. The edited report also deleted those statements which we have previously referred to, which dealt with the fact that the Jeannes Memorial Library Committee felt that "such an award would symbolize outside public opinion supporting the decision of the meeting" etc., and there was substituted merely the statement "Today Plymouth Monthly Meeting is still firmly opposed to the demands for Mrs. Knowles' replacement, in the belief that the right to be silent is equal to that of freedom of speech, press and religion. It was in recognition of this courageous defense of individual liberty that the directors of the Fund for the Republic made an award of \$5,000 to Plymouth Monthly Meeting."

Apparently the magazines, radio and television stations contacted by the Fund, looked upon the project with some misgivings. Whether they suspected, as the Philadelphia Inquirer found in its editorial on July 20, 1956:

the House committee's hearings have shown us how Plymouth Meeting was split over the hiring of Mary Knowles, and how the Fund for the Republic intensified the bitterness and dissension by awarding the Plymouth Quaker Meeting \$5,000 for what it termed resisting "outside pressure" for dismissal of the librarian.

While we have not made a search to see to what extent these mediums covered the Plymouth Meeting award, it is evident that the desires of Paul Hoffman were not realized. But the Fund for the Republic is seldom outdone. Not meeting with success through independent news media, the Fund used a television news clip service, which it was financing, to publicize its award.

In order to be prepared with a television news clip immediately upon presentation of the award on July 6, the Fund for the Republic borrowed from the news director of WCAU, Philadelphia, film which related to the Plymouth Meeting. This was rushed to "Telefeatures" Los Angeles 14, Calif., with whom the Fund, using tax-exempt money, had a contract to produce TV clips. The film from WCAU was then edited so that it, together with a statement from Paul G. Hoffman, was presented to television stations throughout the United States.

The television news clip was marked for release at 4 p. m., July 6, 1955, the precise hour and date of the award. The covering announcement to the script and film states:

The attached film clip is supplied to you as part of an experiment on the part of the Fund for the Republic. The purpose of this experiment includes determining whether the Fund can be of service to news telecasters, and thus augment news coverage involving aspects of civil liberty or racial or religious discrimination by making available film reports of current newsworthy events. \* \* \*

The news release continues the deceit of the Fund in connection with this award. Not only does it fail to state that Mrs. Knowles was charged with being a member of the Communist Party, but it states only that she was a secretary, and an office secretary at that, of a school which later was upon the Attorney General's list. This is what the release actually says:

Criticism first arose because of Mrs. Knowles' past position as office secretary of the Samuel Adams School in Boston from 1945 to 1947. This school is on the Attorney General's list of subversive and Communist-front organizations. When Mrs. Knowles was questioned about her political activities in 1953 by the Jenner Senate Subcommittee, she invoked the fifth amendment. She was then discharged from her post as librarian in Norwood, Mass.

## LINO REGAL—AB 58

While the stations were not given the full story, those stations which showed the film did not give the viewers the full story. The news clip was silent except for that part which contains the statement of Paul G. Hoffman. The script which accompanied the film, contained a dialog for the announcer during the silent portion of the film. According to this script, after the film had run 7 seconds, there was a scene of the interior of the Jeanes Memorial Library. As the interior of the library flashed upon the screen, there was this narration: "Around a librarian who once invoked the fifth amendment, and later refused to take a loyalty oath." \* \* \* We do not know what was contained in Paul Hoffman's narration. The Fund for the Republic has denied that it has a copy of this TV clip and are unable to supply a copy because this was a production of Telefeatures. It was inferred to the Committee that the Fund for the Republic exercised no influence over what was actually shown. We have documentation of facts to the contrary.

We have seen what has happened with respect to the Fund's campaign to publicize the award through the media of press, radio, and television. Now let us look at its attempt to have its action supported and endorsed by the Intellectual Freedom Committee of the American Library Association.

The negotiations between Hallock Hoffman and John Henderson of the Intellectual Freedom Committee commenced on May 23. On May 26, Mr. Henderson advised each of his members that they would be receiving a report from the Fund for the Republic with respect to the Plymouth Meeting Award. On June 2, Joseph P. Lyford of the Fund sent each of the members of the Intellectual Freedom Committee a copy of the edited report of Maureen Black Ogden. By June 29, the Fund had heard nothing from the Intellectual Freedom Committee, so Maureen Black Ogden wrote John Henderson a letter.

Should your committee decide to commend Plymouth Meeting for its stand, we would certainly be glad to have you participate in the ceremony on Wednesday, wrote Maureen Black Ogden.

She was so sure of favorable action by the Intellectual Freedom Committee, that she concluded her letter with:

If that is inconvenient, I am sure that a Plymouth Meeting delegation would be able to go to Philadelphia at some date suitable to you.

However, the Intellectual Freedom Committee of The American Library Association took no action and typical of the Fund for the Republic, its lack of accord brought its censure. After the award, Joseph P. Lyford wrote a memo to W. H. Ferry, the Fund vice president. "I am not impressed with Mr. Henderson and his committee" wrote Mr. Lyford. And of course the Fund must attack the intellect and integrity of those with whose action they disagree. This was the fate of Mr. Henderson. Henderson was cited by Joseph Lyford in the concluding paragraph of his memo to Ferry:

Henderson's final conclusion that the treatment of Mrs. Knowles represented a "personnel" problem, rather than an "intellectual freedom" matter is an example of *real leadership from the rear.*<sup>12</sup>

<sup>12</sup> Emphasis supplied.

It is the opinion of the committee that the last sentence of Lyford's memo of July 11th, 1955, sums up the reason for making the award by the Fund for the Republic. Lyford wrote "It is fortunate that Mrs. Knowles didn't have to rely solely on the American Library Association to come to her defense."

Is it truly the activity of a foundation which receives tax-exempt status as a religious, educational and scientific foundation, to engage in propaganda activities, and are we, in attempting to determine this question, of propaganda, permitted to examine the activities of the foundation's officers and directors both within and without the foundation itself? Joseph P. Lyford, a former assistant editor of New Republic, is a case in point. We have observed his activities in connec-

## LINO REGAL—AB 59

tion with the Plymouth Monthly Meeting Award, and we express complete disgust with his actions. But who is responsible when Joseph P. Lyford writes an article for the August 27, 1956, issue of the "New Republic", relating to the subject of the Plymouth Monthly Meeting award? We are against "guilt by association" says the Fund for the Republic. Yet Lyford, in his article which was entitled "Un-Americanism Among the Quakers", drags Senator McCarthy's name into a proceeding in which he was not in the slightest connected. Wrote Lyford in his article which repeats the misstatement and outright lies revolving around the Plymouth Meeting Award:

Senator Joseph McCarthy has pretty much disappeared from view, and his fans have had to look elsewhere for excitement. But recently several dozen of the tightlipped faithful turned up in Philadelphia for a performance that resurrected a little of the sound and smell of the old bear pits.

Referring to the chairman of the committee, Lyford then said: "Walter lacked the sledgehammer touch of the old master, but there was this to be said for the Congressman—he made the most of his meager material." We agree that the material was meager, but it was only meager as a result of the conspiracy to deceive the committee and the American people that the true facts which are now divulged were withheld from the committee. In consideration of the propaganda activities of the Fund for the Republic, the article of Joseph Lyford should be reviewed in light of all the facts.

The Fund for the Republic has spent tens and tens of thousands of dollars of tax-exempt money, to obtain newspaper, radio and television coverage to learn what is written and said about the Fund for the Republic. It has spent sums in excess of these amounts to attack those who questioned the integrity of the Fund's operations. The committee is unable to state the exact amount which has been spent by the Fund for the Republic in this activity. An indication of the amount spent we believe is reflected by the expenditure of over \$7,000 to hire a public relations firm to prepare script and to purchase radio time for spot announcements following the program of a radio news commentator who questioned the Fund's activities. We have shown how the Fund has attacked through speeches of its officers and through magazine articles. The committee does not have the necessary funds to contract for a coverage similar to that contracted by the Fund. Neither do the organizations or individuals who have been the subject of vicious attacks by the Fund itself. It is impossible to answer attacks if you do not know they are being made. Only by chance does the committee or those under attack by the Fund, learn of these attacks such as "The press and the Fund for the Republic" by Frank K. Kelly, which appeared in an issue of "Nieman Reports."

Who is Frank K. Kelly? What motivates his articles? Can his position be objective? Kelly tells us in his article "In March of 1956, the directors of the Fund for the Republic asked me to help them make the Fund's purposes and program clearer to the American public." Frank K. Kelly is a vice president of the Fund for the Republic. The press release announcing his appointment as a vice president and the short identifying biography, which accompanied the article "The press and the Fund for the Republic", list his qualifications—newspaperman, former administrative assistant to United States Senators, and a veteran of World War II. They, for some reason, withhold the fact that prior to his employment by the Fund for the Republic, he was a consultant on censorship to the American Book Publishers Council. For the American Book Publishers Council, his job was to defend the filth which we find in immoral and obscene literature. His job was also to defend subversive literature, even the works of those intellectually dishonest Communists, such as Howard Fast, who is today, himself, exposing his former intellectual dishonesty. For the American Book Publishers Council, his job was to attack the Senate inquiry into the State Department's Overseas Libraries, and the Gathings Committee of the House of Representatives, inquiry and findings relating to obscene literature. Kelly's job with the Fund was, according to him, the job of making the public understand what the Fund was doing. According to Kelly, the people did not understand what the Fund was doing, because,



## LINO REGAL—AB 60

some radio commentators and newspaper columnists were misrepresenting the Fund, and some leaders of the American Legion were castigating it. Some Members of Congress also had attacked it.

Analyzing the "Press and the Fund for the Republic", confirms the committee's findings that Robert M. Hutchins is the Fund, and the Fund is Robert M. Hutchins. This is confirmed by the fact that Kelly found it necessary to defend Hutchins before he even took up the projects or activities of the Fund which were dealt with at length in this report. To do this, he went all the way back to 1940, when Hutchins was chancellor at the University of Chicago, and he denied an advocacy of Hutchins which Hutchins has never denied himself, and as a matter of fact, denied something which Hutchins confirmed in a speech in Washington, D. C., at the National Press Club before the American Newspaper Editors Society. Kelly wrote, "he had been accused of advocating government regulation of the Press—although he had never advocated any such thing—and he had been lashed by editorial critics for supposedly making other charges he had not made."

We do not know what else Hutchins has been accused of that was not true. He had been accused of so many things during his turbulent career that we assume something can be found which would be, on minute examination, not exactly correct. However, referring to the Communist Party as a political party, as he did in the 1955 report of the Fund, is another of Mr. Kelly's defenses which is wholly erroneous.

The Fund and its staff have a peculiar moral standard which guides them. Guilt by association is unpardonable when one questions the motivations of an individual affiliated with a Communist-front organization. To charge that such association makes the individual sympathetic to the aims and objectives of the organization is unpardonable. Equally unpardonable is to make charges through anonymous associates. On this latter point, the Fund states as its position "How can we check the reliability of the informant or the information attributed to him unless we know his identity?" These rules do not apply when the Fund attacks through its rumor, hearsay, gossip and insinuations. We shall see later, in the blacklisting project under John Cogley and the case studies involving security, by Adam Yarmolinsky, these rules do not apply. Cogley even invoked the protection of the Constitution to escape from complying with the Fund's own ground rules.

Kelly, in his article, had the job of attacking those that questioned the propriety of the operation of the Fund. He charged that the press (we assume all the press that he did not comment upon favorably) had "failed to discover that Mr. Walter had a personal motive in launching the investigation." Thereafter, the personal motivation was described as two items. The first, a complete misrepresentation relating to the question of immigration which this report shall deal with under the subtitle, "Influence of Legislation." And the second point related solely to one member of the staff of the committee. What made this staff member, Karl Barslag, so objectionable to the Fund? First, and the Fund will say this is not "guilt by association" he was "a former staff member of the Senate Investigating Subcommittee under Senator Joseph R. McCarthy." And second, he was on public record as objecting to certain operations of the Fund for the Republic.

Frank Kelly also devoted a great deal of his "The press and the Fund for the Republic" to an attack upon the magazine "Newsweek." Kelly attacked Newsweek by two methods: He attacked their truth by his misrepresentations. While there are many illustrations of this, one will serve the purpose. Newsweek in its article dealing with the award to Plymouth Meeting, reported that the award was made in support of Mary Knowles "who pleaded the fifth amendment rather than testify about prior Communist associations." Kelly wrote: Here are the facts.

The Library Committee of the Plymouth Monthly Meeting employed as librarian a Mrs. Mary Knowles, after checking



## LINO REGAL—AB 61

her references and learning from Mrs. Knowles that she had pleaded the first amendment in a congressional hearing. \*\*\*

Mary Knowles pleaded the fifth amendment and Frank Kelly now admits that she did. "It was a typographical error," Kelly now says about the "first," as it appeared in his article. But how do the people who believe that Newsweek's facts were in error, know this was now a typographical error?

Kelly, however, was not satisfied to attack Newsweek with misstatements. His coup was to quote an alleged Washington correspondent of Newsweek as his faceless, anonymous informer. Kelly wrote:

The Newsweek story, which appeared in the July 2 issue of the magazine, shocked and saddened me. I was in Washington when the magazine came out. I went to see one of the Washington correspondents and protested: "This is a terrible story. It has a lot of glaring errors in it. It's full of bias and distortions." He said [Faceless Informer]: "I think it's lousy, myself."

The Committee is unable to locate the "Newsweek" correspondent. We wonder if this is a typographical error as was the First Amendment reference, re Mary Knowles.

There is more to the Kelly article with which we will deal during the examination of John Cogley's Fund finance, blacklisting project.

### BLACKLISTING

Political blacklisting was the title given to the project by John Cogley in his report to the president of the Fund for the Republic. In July 1956, public hearings were held by the committee. John Cogley, the director of the project, was the principal witness and the only witness from the Fund. Also heard by the committee were individuals possessed with knowledge of employment practices in the field covered by the report, namely, movies, radio, and television. These latter witnesses condemned Cogley's report as false, biased, or misleading. The hearings have been printed and are now available and for this reason the testimony will not be dealt with in any detail in this report.

The committee, concerned with our national security, has been interested in threats to this security through infiltration of various walks of life. We have examined the threats to our security through the infiltration and control by Communists, of the labor movement in local and international unions. This area brought us into contact with unions acting as bargaining agents for crafts represented in the entertainment industries—movies, radio, and later, television. The sensitive nature of radio and television, and on a lesser scale, movies, brought these industries within our scope irrespective of union affiliations. During these investigations hundreds of members of the Communist Party were identified.

Starting with 1951, we heard of "blacklisting" and we investigated to determine what it was and how it worked. We found that "blacklisting" was a phrase primarily used by the Communist Party to pressure for the continued employment of a fellow Communist or his reemployment if he had been fired. The committee's position on this subject was expressed often. In our annual report of 1955, we stated:

\* \* \* Major networks do have a policy of not hiring entertainers who have been identified under oath as Communist Party members, or who themselves have appeared under oath and refused to answer questions regarding party members.

\* \* \* Most networks which have used entertainers who are members of the Communist Party have done so because they are unable to establish such membership.

Investigation shows that, if an entertainer was not used by the networks, the reason lay in information which directly related to the entertainer's Communist Party membership or deliberate support of Communist causes.

On the other hand, the networks properly do not deny employment to an entertainer who might have innocently become involved with a Communist-engineered activity.

## LINO REGAL—AB 62

Even prior to the committee's announcement of its investigation of the Fund, much information and evidence was presented relating to the Fund's inquiry into blacklisting. If the information supported the evidence, this project was built on bias. It was designed to re-establish employment opportunities for members of the Communist Party in the vital area of radio and television.

Concerned with the objectivity of this project, we requested permission to review the report or reports which related to the Fund's investigation of blacklisting. We were not concerned with the views of an author, as we were subsequently charged. The facts were our concern then and remain our only concern even until today. Our request was made of the Fund long before the two-volume book by the project director, John Cogley, was printed. Cogley and his reports to the Fund would have been subpoenaed long before they were, except for the committee's belief in the representations made to it that the reports would be delivered. They were not delivered to the committee until they were printed as a two-volume book. In order to misrepresent the committee's inquiry the Fund asked:

Should a man be summoned before his elected representatives to defend or explain a book he has written or divulge the confidential sources of his information.<sup>73</sup>

<sup>73</sup> Press release by John Cogley, June 28, 1956.

The committee's first request for the Fund's report relating to blacklisting was made during the end of April or the first of May 1956. The first request, made by a staff representative, was apparently ignored. On May 22, the staff renewed its request for the report through Fund Counsel Beuthel M. Webster. Counsel Webster advised that, while he was authorized to deliver the report, additional time for submission was requested, this additional time being necessary because the report was being reviewed for accuracy, fairness, etc.. To document these facts, we reproduced a letter signed by Counsel Webster, dated June 21, 1956:

At my meeting with you and Mr. Baarslag in your office on May 22, Mr. Baarslag spoke of the Cogley report on blacklisting in the entertainment industries, to which he had referred at our previous meeting. I responded that I was authorized to deliver the report, provided that it was made clear that publication had not yet been authorized; that the report was being reviewed for accuracy, fairness, etc.; and that premature release or publication in any form would be highly prejudicial to the author and the Fund and to industries, institutions, and persons concerned. I explained that it was expected that, subject to such inspection and revision, the report would be published, but that I would appeal to the committee, through the staff and the chairman, to agree fully to protect the report or to grant additional time for submission. After some discussion, you kindly agreed to withdraw the request for the report for 30 days.

At this point we call attention to a press release of the Fund, as issued on July 10, 1956. We call attention to this release here because we feel that Counsel Webster's statement "that publication had not yet been authorized" belies the claim that Cogley was hired to write a book on his findings. His status was that of a director or consultant of an inquiry into movies, radio, and television. His reports cannot attain a different status in order to protect them from a legitimate inquiry. Hutchins, however, did give these reports a different status in his release. His supreme court for this purpose was the Washington Post. Hutchins, expressing complete faith in the journalistic integrity of John Cogley, went on to state:

The Fund regards the subpoenaing of Mr. Cogley to justify his study before the House Un-American Activities Committee as an unprecedented invasion of freedom of thought and expression in the United States.

## LINO REGAL—AB 63

We believe the vital issues at stake are clearly cited in an editorial which appeared in the Washington Post today, July 10. We quote:

The Constitution expressly forbids Congress to make any law abridging the freedom of the press, and implicitly it forbids Congress to abridge freedom of the press by calling an author to account for what he has written. Freedom of the press would be very seriously abridged if writers stood in fear of being haled before a congressional committee whenever they expressed opinions on controversial issues. Statements in the report have been challenged by certain individuals; whatever the merit of these challenges, Congress is not the place to resolve them.

Moreover, the Un-American Activities Committee has no business trying to make a writer reveal names which he has undertaken to keep in confidence. Freedom of the press would be seriously abridged if committees of Congress ignored the obligation of reporters to maintain the confidentiality of sources of information.

On May 22, 1956, the Fund "had not yet authorized the publication." In less than 30 days, or by June 21, the report was authorized, submitted to the printer, edited, and printed.

Did the actions of the Fund constitute a delaying tactic in order to offer the Fund and Cogley the freedom-of-the-press excuse as a reason for withholding information which could establish the bias of the Fund's inquiry? The Fund will deny this, but the facts clearly show that they misled the committee through misstatements of facts. To reach publication before the committee insisted upon the report of investigation, the Fund even spent additional, tax-exempt money. This is confirmed by a document which relates to Supplementary Appropriation for Study of Blacklisting, dated August 30, 1956. Reflecting that the money charged to the project will reach \$141,090, the document, detailing some of the additional items of expenditure, reads:

The remainder (\$14,318) is accounted for by acceleration of the publication date and expenses incurred in connection with the House Un-American Activities Committee hearing on this report.

The Fund on this project purchased the services of at least two newspaper clipping bureaus to obtain clippings of news coverage of the committee's hearings. We have commented on this use of tax-exempt money previously. The above document also reflects that Edward ~~Hyberg~~ was conducting an analysis of the testimony and of the press coverage or reactions to the study at a cost of \$2,000.

In spite of the above, much of which reflected a policy in which President Hutchins must have directed or approved, Hutchins wrote the committee:

The Fund for the Republic regards the methods employed in dealing with this project of the Fund as grossly unfair.<sup>74</sup>

<sup>74</sup> Letters of July 13, 1956.

We have set forth only a few of the facts now in the committee's possession; let us look at a few additional ones. Remember that any omission of facts on the committee's part results from the refusal of the Fund or John Cogley to make them available. The Fund claims they do not have them; John Cogley says that he will not produce them, because he must defend the freedom of the press. We find that the facts, which we shall present hereafter, will properly reflect upon what or who is being protected.

In each of the two-volume published reports on blacklisting there is reproduced a foreword in the name of the Fund for the Republic by Paul G. Hoffman, chairman. Built around the theme that neither the author nor Fund indicts or recommends, the foreword starts by expressing an alarmed citizenry over loyalty-security tests of people in private industries.

Most Americans are convinced that loyalty-security investigations of people working for the Government in sensitive positions or seeking key Federal jobs are necessary to protect the Government from the infiltration of persons who might try to destroy it. But when loyalty tests are applied by private groups to people in private industries—and people are barred from jobs because they are "controversial"—many citizens become alarmed.

## LINO REGAL—AB 64

This is set forth in the light of the Fund's published findings which grew out of the Stouffer project. It was written in light of the concealed resolution of the Fund adopted at a meeting of the board on February 16, 1956.

It shall be and is the policy of the Fund that no member of the Communist Party will be employed for any purpose; and

No former member of the Communist Party and no person who has pleaded the fifth amendment in relevant circumstances will be employed for any purpose or receive a grant-in-aid or be given a fellowship except with the approval of the board of directors.

It set forth the arguments of the proponents and opponents of blacklisting and observes that—

The foreword also points out that the study was initiated in September 1954—when many Americans had become disturbed by the revelation of blacklisting practices in the radio, television, and motion-picture industries. the facts around which the arguments raged were largely unknown.

It also observed:

It was not even clear whether blacklisting system actually existed in the motion-picture, radio, and TV industries. If it existed, it was not known on what principles it worked, who controlled it, how accurate were the criteria it applied in screening Communists and pro-Communists out of the industries, what were the motives which might have contributed to its growth. Beyond the somewhat rough-and-ready disclosures of the various investigating committees, there was little useful data on the nature and extent of Communist influence in the industries; on the effect, if any, which it had exerted on the output; on the extent to which the Communists themselves had engaged in blacklisting practices; or on numerous other facts essential to formulating any answers for the issues of civil liberties here involved. The subject was being debated, in short, in a vacuum.

As far as the Fund for the Republic is concerned, blacklisting was one of the reasons for creating the Fund. It became a reason even before the Hollywood studios obtained their published blacklist; that is, the blacklist John Cogley found. The printed two-volume book to the contrary, John Cogley, in his report to the president of the Fund, stated:

The published blacklist in use in the Hollywood studios is a list of persons named as members of the Communist Party before the House Committee on Un-American Activities during the years 1947, 1951, 1952, and 1953. These names were made available to the industry in the annual reports issued by the committee for the years 1952 and 1953. A few names were added after the committee's brief Hollywood hearings in 1954 and 1955 \* \* \*.

Needless to write, the above, together with the additional first 16 pages of the original report to Hutchins, were deleted from the printed volumes.

Contrary to the published two volumes, and Cogley's testimony, we learn that the blacklist consisted of only the names of Communists, those identified under oath as being members of the Communist Party. We know that, outside the "Hollywood 10," none were identified until 1951; therefore, blacklisting, as used by the fund, must have commenced after the committee's 1951 hearings.

On October 4, 1951, the Fund for the Republic was authorized by the Ford Foundation. The Hoffman-Hutchins docket to the trustee defines the proposed objective of the Fund in language which makes pinpointing difficult. The July 1952 docket, however, more closely

## LINO REGAL—AB 65

arrives at the point in both a description of the disease and the prescription for its cure. Wrote Hoffman-Hutchins:

Since the threat to the individual who holds, or is accused of holding minority opinions—or in some field, to one who is merely controversial—is the loss of his job, the Fund could try to work out methods by which such persons might be supported for limited periods.

With the actual incorporation of the Fund in December 1952, the area became "censorship, boycotting, and blacklisting activities by private groups." This area, however, was like other areas of inquiry itemized in December, built on ignorance. The Directors in setting forth the areas of inquiry admitted that they needed "deeper insight into the many difficult concepts and problems." To obtain this insight they proposed a thorough study and investigation to obtain knowledge for their own information and as a background for further work. Considering that the existence of communism and Communist influence was a major factor in their plans they proposed to undertake research into the nature and extent of the menace.

As early as April 1953, the directors of the Fund expressed interest in infiltration of Communists into private industry including the entertainment industries. On June 30, 1954, 15 months later, the director who considered the subject as urgent in December 1952, finally got around to an authorization. The authorization was twin jointed in that the study of Communist infiltration was authorized as a part of the history of the Communist Party project, while "blacklisting" was referred to President Hutchins for a recommendation. In view of Hutchins' position on the subject of blacklisting, it was not surprising when on September 14, 1954, he recommended the project, and the directors appropriated \$100,000 to carry it forward.

Without the basic knowledge of the extent of infiltration of the entertainment industry, the Fund felt it would be able to judge employment practices with respect to Communists. The Fund had conducted no research, yet Hutchins, September 14, 1954, recommendation to the directors stated:

It is an area in which there are many flagrant cases in which persons of undoubted competence have lost their positions because of charges, often unfounded, about their political opinions.

The opinions of members of the Communist conspiracy are again only political. The director proposed by Hutchins was "Bosley Crowther, a motion-picture editor of the New York Times." The statement of Hutchins supports Jack Gould's review of the two-volume report later published by John Cogley. Writing of the background of the study, Jack Gould wrote:

But Mr. Cogley's report is not without a number of faults. Primarily, the Fund for the Republic was at a disadvantage in sponsoring such a study. Its feelings on blacklisting were common knowledge before Mr. Cogley began his study.<sup>75</sup>

<sup>75</sup> New York Times, July 1, 1956.

The Fund claims it has no documents relating to Cogley's replacement of Bosley Crowthers. In conversations with the staff of the Committee on Un-American Activities, Fund Counsel Webster was unable to tell how Cogley was hired or the terms of his employment. But what was the reason Hutchins recommended the blacklisting study? Not to inform the Fund but rather, "an investigation now of blacklisting in the industries mentioned might lead to changes in policy on the part of employers and unions."<sup>76</sup>

<sup>76</sup> Recommendations for board section, September 14, 1954.

Test of political opinions was not only the approach of Hutchins but of the project director, Cogley. In the first six pages of his report to the Fund relating to radio and television, Cogley repeatedly tied blacklisting into political opinions. This opinion, like his opinions expressed in the deleted foreword of the movie section, could

## LINO REGAL—AB 66

have again been the reason for the deletion. Illustrations from the deleted section are as follows:

\* \* \* Prior to 1950, hiring in the radio-TV industry was based largely on talent alone. In rare cases, politics did enter the picture—a few sponsors refused to employ certain well-known personalities because of their political reputations, \* \* \* or when he was avoiding controversy \* \* \*. They did this by prechecking the political associations of all questionable performers. \* \* \* His references to professional political consultants, or to some of the larger agencies assigning high-ranking executives to the job of political screening.<sup>77</sup>

In spite of the fact that the "political" interpretations of the Communist conspiracy, as held by Hutchins and Cogley, were hidden from view, several news sources read these interpretations through the entire two-volume report. When the Cincinnati Enquirer editorially found that the report was an attempt to "whitewash communism by depicting it as another political movement,"<sup>78</sup> it received a letter from the Fund. "Nowhere in the study is there a single statement which could possibly justify your description of the report as 'an attempt to whitewash communism by depicting it as another political movement' "<sup>79</sup> wrote Michael Harrington on the letterhead of the Fund.

<sup>77</sup> A report to the president of the Fund for the Republic.

<sup>78</sup> The Cincinnati Enquirer, July 1, 1956.

<sup>79</sup> The Cincinnati Enquirer, July 25, 1956.

Harrington, as we know, was Cogley's assistant. Later, Elmer Roper wrote the Enquirer setting forth excerpts from editorials favorable to the study. Whether these editorials would have been favorable if the Fund had made all the pertinent facts available, no one knows. It is questionable in light of what we found, which is reproduced hereafter. But irrespective of this can a tax-exempt foundation engage in activities of condemning those who disagree, while commending those agreeing with the Fund.

The Motion Picture Herald, a trade publication expressed its views editorially on the two-volume report in its issue of June 30, 1956. While the entire editorial should be considered for an understanding of its editor's views, we shall touch only on that portion which charges a bias on the part of Cogley. "Mr. Cogley's report in many instances is 'neutral against' what the industry has done and is doing," said the editor of Motion Picture Herald. "His views were known when he was selected for the job for which he had no other noteworthy qualifications," the editor concluded on Cogley's background.

Hutchins in recommending the project stated there were "many flagrant cases" yet the printed two-volume report does not list them unless we are talking about identified members of the Communist Party. Jack Gould in his review which appeared in the July 1, 1956, Times found that:

the report takes recourse too much in undocumented and anonymous material; damaging allegations are made against specific persons without substantiating evidence. In at least two instances, Mr. Cogley's report did not ask those who were damned for their version of a specific incident.<sup>80</sup>

<sup>80</sup> New York Times, July 1, 1956.

A press conference was a part of the Fund show in releasing the two-volume report. Will Lissner covered this conference for the New York Times. In his story on June 25, 1956, he deals with the report contents and its factuality. Lissner wrote:

However, Mr. Cogley in a prepublication interview conceded that his report contained not only factual statements but also judgments, interpretation, and conclusions. But he explained that he had tried to keep nonfactual material to a minimum.

How much nonfactual material was needed to make the printed two-volumes conform with views of Hutchins and Cogley. The AFL-CIO News of July 21, 1956, contains an article, Fund for Re-



## LINO REGAL—AB 67

public Survey Perplexing. While this article, like the Motion Picture Herald editorial should be reviewed in its entirety, we shall quote on the conclusion which relates to nonfactual material. Wrote Paul Patrick:

To representatives of a union adversely effected by the report, a Fund employee who helped draft the document has verbally acknowledged several important errors of fact on one page of volume No. 1 and has offered to correct them in an affidavit. This makes one wonder if there could be so many factual errors on just 1 page, how many errors are there in the rest of the 312-page report?

To obtain the objective facts the committee subpoenaed John Cogley. But the facts we received were those contained in the two-volume printed report. The facts were evidently in the possession of John Cogley's anonymous sources, the "faceless informers" of the Fund for the Republic. To permit us to investigate and determine the true extent of employment practices, we asked John Cogley to identify these individuals spread through his two volumes and identified only by their occupation. In two cases we were successful. In all others, Cogley responded, "It is always difficult for a reporter to name sources that he has promised should remain confidential." Cogley asked whether he would be required to name sources and members of the committee, feeling his status comparable to other newspaper reporters, excused him from naming sources. Congressman Jackson noted an exception to his position when he stated:

I think a distinction should be made as between a working member of a free American press respecting the source of his information and one who compiles a work, is paid for the compilation of that work, and the work is done for a foundation which is granted certain privileges by the Federal Government, from a tax standpoint.

The committee conducted additional investigations. After establishing by evidence that Cogley's status was not that of an independent journalist but was closely allied to a private investigator who investigates and reports to his employer, the committee issued a subpoena calling for him to produce certain documents called for in the subpoena. By letter dated May 3, 1957, Cogley acknowledged his subpoena and advised he would appear. However, in this letter released to the press, he declared his position. Wrote Cogley:

but I will answer no more questions about anything I have written and published. I will not supply you with the documents you demand. Cogley's position, he claimed, was based on the fact that he prepared this book as a free journalist living in a free country.

The committee after Cogley's refusal asked the Fund for the Republic for the documents. This was a project of the Fund itself. The interviewers hired by John Cogley were employees of the Fund for the Republic. This has been certified by the Fund in its withholding tax returns concerning employees of the Fund. Yet when the committee requested the interviews conducted by the Fund's employees, Counsel Webster responded:

"I emphasized again that the Fund does not have possession of any of the confidential material on which Mr. Cogley based his report."<sup>51</sup>

<sup>51</sup> Letter to committee, dated July 2, 1957.

Counsel Webster while stating that the Fund has no documents relating to the employment of Cogley, claimed that Cogley was employed as an "independent journalist." Cogley, in testimony before us, also testified he was hired as a journalist. Being a journalist was his reason for refusing to produce the document subpoenaed by the committee. Cogley has given the Government at least three descriptions of his employment by the Fund. One before the committee and one each with his filing of tax returns for 1954 and 1955. In 1954, he listed his position as a "Consultant to the Fund for the Republic." In 1955, as an "Editorial Consultant to the Fund for the Republic, Inc."

## LINO REGAL—AB 68

If in truth he were hired as a journalist, Cogley's contract reserved for him no right to publish his findings free from the wishes of the Fund. Not until May 1955 did the officers authorize John Cogley to write a book on the project findings. By November 1955, the officers of the Fund and John Cogley had signed a contract with Simon & Schuster to publish the book. By mid-November, by mutual agreement, the contract to publish was canceled. A report of the Fund states as the reason for cancellation a decision "not to release the report at that time."

In all of these negotiations, the board of directors were officially silent. Not until January 1956, did the directors consider handling the findings of Cogley's investigation of blacklisting. Its end product was a two-volume report entitled "Political Blacklisting." Both volumes were marked: "A Report to the President of the Fund for the Republic." The board minutes of January 6, 1956, reflects the following consideration of blacklisting:

There followed a discussion of possible methods of handling the report on blacklisting in the entertainment industry, *prepared under the direction of John Cogley*. It was agreed that the temporary information committee of the board would prepare recommendations on handling of this report, and that counsel would examine the report from the point of view of possible legal liability. The board will then receive copies of the report and the committee's recommendations.

On February 15, 1956, Roper's information committee recommendation to print the report, was approved by the board. Two points are clearly evident by this action. First, the officers permission to Cogley to write a book on the project findings, together with the contract signed with Simon & Schuster to publish, were without approval of the board of directors of the Fund. Secondly, it is clearly implied by the action taken by the board that the findings, including the method of release, if any, was the sole responsibility of the board. Had the board voted not to make public the project findings, Cogley would have had no legal redress against the Fund.

Even the manner of release and content was the board decision. Approved by the board was the Roper committee recommendations—

The report should be reduced in length, but not to such a degree as to omit significant detail or impair its usefulness as a serious, objective treatment of the problem. He [Roper] added that in process of revision careful consideration should be given to all statements bearing on the identity or reputation of persons referred to, the elimination of names not required for understanding, and of course, the accuracy of facts stated \* \* \*

Even the fragmentary evidence reported above makes a lie of the claim of both the Fund and John Cogley relative to his employment as an "independent journalist."

Let us now return to John Cogley and his report to the president of the Fund and the edited version of the report, his two-volume book. Both reports revolve around the blacklist and the clearance men. Both are painted as evil by anonymous sources of information. We have related Cogley's findings of what constituted a blacklist in the movie industry, as set forth in the deleted section of that volume. In a deleted section of the radio, TV volume, the blacklist and the clearance men also are mentioned. Writing that, "indeed, it is impossible to speak of a blacklist," Cogley sets forth the sources checked to determine an entertainer's employability. To determine this Cogley states that all employing agencies used the same procedure:

A political check is made on prospective employees, usually by going over the Daily Worker, the reports of the House Un-American Activities Committee, the Tenney Committee, Red Channels, etc. The kind of evidence considered relevant is membership in various leftwing organizations (some listed by the Attorney General, some cited by Federal or State

## LINO REGAL—AB 69

Un-American Activities Committee, some cited by private groups), the signing of petitions like the one for Willie McGee, and any other activities which the public might consider "pro-Communist."

While stating that blacklisting is still carried on in the industry and a considerable number of writers and performers are regarded as unemployable, Cogley concluded:

Only a few individuals have been blacklisted throughout the entire industry. Most have found it possible to get work at one agency or another, this or that network or packager though they are blacklisted elsewhere.

What a striking variance from the condition portrayed in the published version. But why the different portrayal of the blacklist? Could it be that the blacklist was the vehicle which permitted attack upon the clearance men or the procedure of denying employment to members of the Communist Party? In an unpublished section of volume 2, Cogley wrote:

Once blacklisting was institutionalized, a system of "rehabilitation" was developed. It was presided over by an informal "board of directors."

Was the Fund's complaint against the rehabilitation of Communists? The board of directors of the rehabilitators were identified as "men well known for their anticommunism, usually adherents of the political right." It would appear that the Fund's complaint centered around something entirely different from blacklisting. This must be so, because by examining both versions of Cogley's report we learn merely that blacklisting was the denial of employment to only a few individuals industrywide and this constituted institutionalized blacklisting. Clearance men became individuals known for their anticommunism and who were engaged in rehabilitating Communists.

What other changes were made in the published version to detract from the clearance men? The published version deleted from the description of James Francis O'Neil, director of American Legion publications, and who was characterized by the Fund as a clearance man:

He served with distinction in the Mexican border campaign in 1916-17 (as a member of the 1st New Hampshire Infantry), in World War I (as an infantryman commissioned in the field) and in World War II (in the Southwest Pacific as special assistant to John L. Sullivan, Assistant Secretary for Air). For a time he was one of the most highly respected cops in the United States. When O'Neil was chief of police in Manchester, N. H., the city won national attention for the high caliber of its law enforcement.

The other Legion official: tagged as a clearance man was Lee Pennington. Deleted from the description of Pennington were those items of background which proved false the characterization of him by the Fund. In the deleted portion we read:

Pennington's original appointment as director of the Americanism commission (he stepped down to the assistant director post in September 1955) was an effort, in the opinion of many who follow Legion politics, to improve the Legion's always precarious public relations. His predecessor, a man named Karl Baarslag, had been widely criticized for being altogether too rigid and inflexible in establishing the tests of "Americanism." It is rumored, too, that many of the commission's supporters felt that Baarslag, like the stormy junior Senator from Wisconsin, was given to causing more stir than was really necessary. In any event, professional observers from other pressure groups in Washington—among them groups which take a dim view of many of the Legion's activities—credit Pennington with infinitely more restraint than his predecessor showed. \* \* \*

Pennington served in France during the First World War and was seriously wounded in the Argonne Forest. Before joining up, he had been graduated a mechanical engineering

## LINO REGAL-AB 70

major from the University of Maryland. After the war he went back to the university, took a degree in accounting, and joined the FBI. He speaks of his military experience with a note of bitterness, like many of the fairly select group who were sent overseas during that war and paid a high price for what turned out to be a short-lived peace.

Running counter to the bitter streak, however, is a strong sentimental one.

Even Vincent Hartnett and Jack Wren, who received the majority of the Fund's adverse treatment as clearance men, had a side of their character deleted. In the deleted portions we find this description of Hartnett:

Since then he has become a key figure in the blacklist controversy and described himself as a "supervisor of productions" at Lova's. But people who worked there at the time remember him as an assistant director. Among other duties, Hartnett was in charge of getting permission to use names and stories on "Gangbusters" from various police departments.

Some of Hartnett's fellow workers recall him as an intensely serious, rather humorless, highly industrious worker. In the gregarious and normally extroverted atmosphere of show business he was widely regarded as somewhat strait-laced and puritanical.

He spent long hours at his desk. One person remembers an occasion when he became quite indignant because a vulgar remark was made in a lady's presence. Hartnett still gives the impression of being utterly serious and nervously intent on doing the work he has cut out for himself.

The treatment of Jack Wren was similar except the deleted item related more directly to the subject of inquiry. This reference, which related to the first president of the Fund, Clifford Case, reads:

Wren gets credit for a number of Herculean feats of what has been called "consent engineering." It may be supposed that rumor in many cases has outstripped fact. Yet Wren did, presumably with B. B. D. & O. approval, if not assignment, maneuver New Jersey Senator Clifford Case's public relations in 1954 election when Case's campaign was threatened by charges that his sister had once been associated with Communist causes.

Truthful facts were deleted when the Fund portrayed the clearance-men in roles cast by the Fund. False items were used in the printed version to build a sinister reputation for them. Many of the items, alleged to be factual, were proven false during the committee's hearings. Hereafter we shall expose as false additional Fund alleged facts, which were used by them to attack the character of those whom the Fund chose to call "clearance-men." To do this, we must again review Cogley's position before the committee. We must also try to determine the reason behind his position. Was it to protect his confidential sources, or was it to protect his misrepresentations of the facts, or was it a combination of both?

We shall first examine the truthfulness of his claim before the committee that the only reason individuals were identified by their occupation rather than name, was because of confidential assurances which he or Fund employees gave, not to divulge their identity. First, let us merely compare the report to Hutchins with the published two volumes. In volume 1, page 131, we find a reference to a letter written by "Z. Z." In the report "Z. Z." is fully identified as Burt Lancaster. In volume 1, page 134, we find a reference to "one Hollywood star." In the report, the star is identified as Danny Kaye. In volume 1, page 144, we find a reference to "B., a prominent character actor." In the report, "B." is identified as Whit Besell. In volume 1, page 152, we find a reference to "an executive in the Kramer Co." In the report, the executive is identified as George Glass.

Also in volume 1, page 146, is a reference to "X. Y., a prominent dramatist and scriptwriter." Not only does the published volume

## LINO REGAL—AB 71

conceal the name, but by the addition of the word "typical" changed the entire meaning from that contained in the report. As published, the paragraph reads on page 146:

A typical if especially difficult case was that of X. Y., a prominent dramatist and scriptwriter. The studio was one of the largest, the "expert", Roy M. Brewer.

This same paragraph in the original report to Hutchins reads:

One of the most difficult cases was that of the prominent radio motion picture writer Norman Corwin. The studio was MGM, the "expert" was Roy M. Brewer.

In volume 2, page 43, we find a reference to a "witness." In the report the witness is identified as Welbourn Kelley. In volume 2, page 170, we find a reference to "J. H." In the report, "J. H." is identified as Judy Holliday. Also, in volume 2, page 118, we find a reference to "an actor." This actor, according to the published volume, had been solicited by Jack Wren "for a letter attesting that he had helped the performer exonerate himself." The report identifies the actor as Luther Adler. We shall show that not only is the accusation that Wren solicited a letter from Adler false but that the Fund had no evidence upon which to make the charge, excepting hearsay.

Not only did the published volume withhold identifies, it withheld facts which reflected directly on the extent of Communist activity in the industry as it related to an individual or the Communist Party influence itself. In volume 2, page 145, reference is made to Allan E. Sloane's testimony before the committee in January 1954. We do not intend to argue about the Fund's interpretation of Sloane's testimony—"that the actual Communists in the industry, though dedicated and active, were few at all times"—we desire only to print here a portion deleted from the published volume in order to document the propaganda nature of the published reports:

Sloane himself was in contact with the leaders of the Communist faction and his testimony indicates no great numerical strength. It does, however, give the picture of an extreme dedicated and active group of Communists at work in the talent unions.

Further information on party activity can be gained from various articles which have appeared in the Daily Worker. These, of course, were never very specific as to names, but they do show that the party tried to create a wide periphery for itself and was concerned with building up an effective Communist bloc in radio. Anti-Communists in the industry got the same impression.

In dealing with those individuals whom the Fund cried were victims of the blacklist, they pointed to the background of the individuals as a method of condemning their inability to obtain employment. In doing this, the Fund presented only a portion of the facts. They omitted those facts which would possibly justify the individuals' non-employment in the entertainment industry. Typical is the case of Roderick B. Holmgren. In devoting a page to this former radio commentator, the published volume permitted him to tell how he was fired in September 1947 because he had "followed a CIO line." This firing could not have been on the basis of an antilabor policy of his station because, at the time he was fired, Holmgren was sponsored by the A. F. of L. The Fund left his real background and reason for his being fired hidden from the public it was supposed to educate. The published version did not report that Holmgren had been a witness before the Senate Internal Security Subcommittee on October 9, 1952. It further did not report that Holmgren invoked the fifth amendment in refusing to answer questions relating to his Communist Party membership, or that his Communist Party card was reproduced in the printed transcript which was made public by the subcommittee.

Cogley's claim that he cannot divulge source because of confidential assurance which he and the Fund employees gave those interviewed is a lie, provable as such, by Cogley himself. Advertising Agency Magazine conducted an investigation of the Fund's two-volume report on blacklisting. The results of its investigation were printed

## LINO REGAL—AB 72

in two articles which appear in its issues of November 23 and December 7, 1956. Many illustrations of misstatements, errors, or deliberate misrepresentations were uncovered by the editor of AAM and were set forth in the articles. On December 17, 1956, John Cogley wrote the editor of AAM. The letter followed several conversations and constituted a transmittal of documents which Cogley felt would support his position on some point in conflict. What did Cogley transmit with this letter of December 17? Nothing less than documents which identified additional anonymous individuals from his printed volumes on blacklisting. These were some of same individuals, whom he under oath, before the committee in July 1956, testified that he could not identify because he had given them confidential assurances. Also transmitted were documents which the Committee on Un-American Activities subpoenaed in April 1957. These documents were subpoenaed only after the committee learned that Cogley had supplied documents to AAM. In addition, when it learned that Cogley had offered to the editor: "This is all I have for now. But there is more material, boxes and boxes of it, which can be made available."

Letter to Robert D. Stuart, December 17, 1956.

To further examine Cogley's claim that he had given assurances, let us examine two documents turned over to the editor of AAM. In the course of the Fund's investigation of blacklisting, Cogley obtained a document from Philip Horton, senior editor of the magazine The Reporter. The document obtained by Cogley from Horton we shall call, as does Horton, the Fairfield notes. These were raw notes and, as Horton advised Cogley in a letter of December 27, 1956, "I do recall stressing the fact we had never undertaken to check back the accuracy of the memorandums either with Fairfield himself, or with other sources." Horton complained to Cogley on several occasions about both, using the notes without verifying the accuracy of their contents and showing them to those outside the Fund. After first assuring Horton he had shown the document to no one outside the Fund, Cogley finally wrote Horton on December 17, 1956, after having shown the document to the editor of AAM. Wrote Cogley with respect to assurance not to divulge:

You will recall that although I assured you I had not shown the material to anyone, I made no promise at that time that I would not. I have no desire to show it to anyone but when my reticence is used against me as it was in the AA story I am given no choice. The same goes for other material in my possession. \* \* \*

Compare this with Cogley's sworn testimony that he had given his sources assurances that they would remain anonymous.

Cogley used the Fairfield notes in his published two volumes without even checking with Fairfield, their author. The notes were used to first establish Fred Woltman, a reporter for the New York World Telegram and Sun, as a leading clearance man. They were used secondly to report false happenings involving Jack Wren. The published report, after describing Wren as one of the top clearance men, set forth how he had "blown his top" because consideration was being given to Albert Einstein endorsing Lucky Strike cigarettes. Even though Einstein was a pipe, and not a cigarette smoker, the Fairfield notes contained this statement regarding Wren:

\* \* \* after B. B. D. & O. had been asked to submit a list of 20 "unusual names" they would like to see endorsing Lucky Strikes, Wren had blown his top upon finding such names as Robert Oppenheimer, Alfred [Albert] Einstein, etc. \* \* \*

Cogley also furnished the editor of AAM with Fund employee Engberg's interview with Jack Wren, and Fund employee Davis' interview with Luther Adler. These documents, together with the Adler letters to Wren, have been obtained by subpoena. The background for Cogley's submission of these interviews was as follows:



## LINO REGAL—AB 73

In the published volumes, Cogley utilized the perjured testimony of Harvey Matusow to establish the existence of a blacklist. Volume 2 reports that Matusow testified that "he helped Wren set up a similar list (blacklist)." It further reported that Wren, to overcome the Matusow charges, "got together with a batch of letters certifying his fairness in judging blacklist cases." For example, claimed the published report, "he solicited an actor, a Red Channels listee, for a letter attesting that he had helped the performer exonerate himself."

Advertising Agency magazine, in the course of its investigation, identified the actor as Luther Adler, a task which would have been unnecessary if Adler's name had not been deleted by the Fund. Its editor interviewed Adler, who denied furnishing Wren a letter as described in the published report.

Therefore, Cogley, who refused to make these documents available to the committee, furnished them to the editor of AAM. In submitting the interviews, Cogley observed in connection with the Wren interview, "You will note he admitted asking Adler to write the letter and actually showed it to Engberg. This is the letter he denies he ever requested."

In connection with the interview with Adler, Cogley wrote:

You will note that Adler speaks of writing the letter and reaffirms that Wren asked for it. According to your story, Adler now denies that he was ever asked to write it.

The Engberg memorandum reports first on statements made about Wren by Arnold Forster, identified with the Anti-Defamation League. Forster advised Engberg:

Wren obviously had been in some trouble with his own agency as a result of H. Matusow's testimony in New York's Federal court back on February 15, [1955]. In the course of testifying on a motion for retrial of 13 convicted second-string Communist leaders, Matusow had said that early in 1952 he had helped Wren set up a blacklist of radio and TV personalities, and characterized Wren as B. B. D. & O.'s man in charge of security and clearance. Forster guessed all this from a call he had gotten from Luther Adler, the actor, whom Forster had helped clear and had through Wren placed on the United States Steel Theatre Guild of the Air. Adler, understandably nervous, wanted to know from Forster what was up. Forster suggested that what Wren wanted was some sort of testimonial that he, Wren, could use to protect himself against the inevitable charge that he was blacklisting people indiscriminately. Adler, according to Forster, then called Wren and was asked for a letter thanking Wren for having cleared him \* \* \*.

Engberg, armed with the advice of Forster that Adler had called Wren and was then asked by Wren for a letter, then interviewed Wren. Engberg reported that Wren had one letter from Adler. Without even requesting permission to read the letter, he further reported:

Sure enough, he produced Adler's letter thanking him for having helped his clearance, and just as inevitably, I asked him whether he had solicited the letter. He allowed as how he had, but that that didn't make any difference, because he should have gotten the letter anyway, and actors were sometimes ungrateful people.

Harriet Davis interviewed Luther Adler and this is what she reported, based on the interview:

He said that Wren had "helped" him and asked him recently "did I help?" and Adler replied in the affirmative. At this point, as I recall after publication of the Matusow book, Wren himself needed help. Wren asked Adler to help him, "if you feel like helping me" and Adler did. He wrote a letter indicating that Wren was of assistance to him, and so forth. (Ed [Engberg] has detailed information about this.)<sup>82</sup>

<sup>82</sup> Interviewed notes, May 20, 1955

## LINO REGAL—AB 74

Sometime after the memorandum of interview was typed, there was added to the first sentence the words "in writing." Harriet Davies did not see the copy of a letter to Wren, even though her memorandum reproduces the text of many letters. The circumstances under which Matusow made his charges are now even in variance.

This, however, was the basis for the big case which the Fund and Cogley built around Matusow and Wren. The evidence is of course the letter itself, but the Fund employees were not interested in the best evidence.

The letter itself, which was the only letter received by Wren after February 15, 1955, speaks for the accuracy of the Fund's report louder than any additional comments by the committee. The letter dated February 24, 1955, reads:

LUTHER ADLER, 850 SEVENTH AVENUE,  
New York City, February 24, 1955.

MR. JACK WREN,  
Batten, Barton, Durstine & Osburn, Inc.,  
383 Madison Ave., New York.

DEAR JACK: More than a year has passed since I came to you and I quite frankly told you, I didn't know exactly why I seemed to be locked out of my profession. At that time, you very kindly reviewed my case and when you found and showed me certain allegations which I assured you were utterly false, you generously assisted me in disproving those allegations. You may remember, I did this with substantial documentary irrefutable evidence which I later forwarded to the proper authorities in Washington.

Immediately thereafter, doors seemed to open and as a result of our interest and cooperation I secured several important engagements: Studio 1, Theatre Guild, the opening show on General Electric and one or two others.

However, Jack, for the last 5 months I again seem to be locked out of TV. My agent and others tell me that there seems to be some pressure exerted against me—not as much as before, but some, which is keeping me out. I couldn't bother you at this time if it weren't for (1) I seem to have no alternative, (2) I again have no way of tracing the source from which this can is coming, and (3) I don't feel that artistically or professionally I can possibly represent a burden to you. Since I cannot afford modesty at the moment—I must tell you that I not only received excellent press notices for all my work but I also received two letters from the president of the American Broadcasting Co. complimenting me for my work and welcoming me on the network.

And so, Jack, since you were a good friend to me before when others did not extend themselves so freely, be a good friend again, please. You must know how grateful I am and shall always be.

Sincerely yours,

/s/ LUTHER

Cogley also furnished to the editor of AAM a document which he described as "a running account of the Sidney Lumet case." This encompasses mainly copies of documents obtained from the Block Drug Co., which sponsored the television show, Danger, of which Sidney Lumet was the director. In order to understand the documents, it is necessary to return to the published report.

On page 63 of published volume II, in a section dealing with clearance at Columbia Broadcasting System, there is dealt with the case of "a director." The director is Sidney Lumet, according to the documents Cogley furnished the editor of AAM. Cogley has by now identified another individual whom he testified before the committee he couldn't. The facts as reported on page 63 relating to Sidney Lumet read:

In one case, a director was signed for a show and actually used. Subsequently, there were protests from Lawrence Johnson in Syracuse. Johnson had been told by Harvey Matusow that the director was a Communist. Matusow claimed he had seen him at party meetings. Meetings were arranged between the sponsor, some prominent "anti-Communist," including Sokolsky and Victor Riesel of the Hearst papers, Matusow, and the director in question. As soon as he met the director face to face, Matusow admitted he had named the wrong man. Nevertheless, it was impossible to obtain a clear-cut retraction from those who published the charge.

A show became "tough" after a number of mistakes were made and protests mounted. Political screening was more careful then, and those who could work on other shows for the same network could not be used. "Danger" fell into this

## LINO REGAL-AB 75

category, so did "Justice." In the case of "Danger" a threat from the Veterans Action Committee of Syracuse had been enough to convince everyone that special precautions were necessary.

Sidney Lumet was the almost permanent director of the show "Danger". The protest made against "Danger" was based on the number of Communist Party members cast in its productions. With respect to the "political" screening by the Block Drug Co. after "a threat from the Veterans Action Committee of Syracuse \* \* \*", let's look at page 47 of volume 2. Written in a chapter Cogley created to stress his impartiality, "Danger" is again discussed. Writes Cogley:

\* \* \* there are shows where the employment record indicates a constant use of people associated with the left wing. In 1950-51 "Danger" used performers like Lee Grant, Morris Carnovsky, Alan Manson, Lou Polan, John Randolph, Elliot Sullivan and others who have been accused of being antagonistic to the right wing \* \* \*.

"Leftwing" and "antagonistic to the rightwing" must be intended to mean Communist Party members. As the printed, sworn record reflects, Carnovsky, Manson, Polan, Randolph and Sullivan were all identified Communists, a fact known to Cogley. All had appeared before the committee and refused to answer questions relative to their Communist Party membership. This was also known to Cogley even though he chose the phrase "antagonistic to the rightwing." Lee Grant refused to answer questions relating to her affiliations with the Communist Party after the release of the published volume.

Lawrence Johnson's protest was based on the facts found by Cogley "a constant use of people associated with the left wing." Johnson, however, called them by their true name; namely, Communist Party members. Johnson's complaint against Lumet was because as director he was casting known Communists. The Matusow item also varies from Cogley's report. Matusow did not tell Johnson Lumet was a Communist. What Matusow did tell Johnson, as reflected by the Block Drug Co. records which were made available to a Fund employee, was "a photograph in Life magazine of Mr. Lumet resembled an individual who I knew to be a member of the Communist Party."<sup>64</sup> This was the reason for the confrontation. Yet on this

<sup>64</sup> Matusow letter addressed to Block Drug Co. November 21, 1952

point, the published report erroneously places George Sokolsky in attendance.

In conducting its investigation, the Block Drug Co. incurred expenses. Their file reflects the nature of these expenses. The largest expenditure was to reimburse an individual who was brought into the case by Arnold Forster, the announced public relations expert of Cogley's published report. In connection with the expenses paid to this individual, the Block Drug records indicated without verification that he had in turn made monetary advances to other individuals. Without making a single inquiry, Cogley made anonymous references to the alleged transaction as a footnote item in volume 1. The committee has investigated this alleged money transaction. All individuals, including officers of the Block Drug Co., from whom all records were subpoenaed, were interrogated. No individual received any money except the individual introduced into the case by Arnold Forster.

Wrote Cogley in the footnote on page 130, volume 1:

When, not long ago, another newspaperman in the East accepted a generous check from a radio-television sponsor as a "token of appreciation" for helping out in a "clearance" case, Sokolsky was deeply disappointed. He told the sponsor in no uncertain terms that he thought his colleague was out of line in accepting such a "token." His disappointment must have been compounded when he learned that the colleague claimed he broke down the four-figure "token" into smaller "tokens" and sent them around to other "clearance" men, in order to create good will for the company.

Not only was the false information used in the published report, but, again, without any attempt to verify, the information was pointed up in the transmittal to the editor of AAM. "I have withheld it up until now," wrote Cogley, "because I did not want to involve the

## LINO REGAL—AB 76

people named in it in a sensational affair." This noble gesture was concluded with the reasoning "but I have now reached the point where such consideration no longer moves me. What was Cogley's reason for bringing to the attention of the editor of AAM the alleged money transaction? It was intended to serve two purposes. One was to indict Karl Baarslag as a clearance man, and, second, to establish a motive for the committee's hearing into blacklisting. In this connection Cogley wrote:

Karl Baarslag, now staff member of the House Committee on Un-American Activities, was at the time a director of the Americanism commission of the American Legion. Mr. Baarslag did the investigating preceding the Fund hearings last summer.

The editor of Advertising Agency magazine sought verification of the representations made by Cogley. His inquiry of the Block Drug Co. was answered by letter dated January 10, 1957:

Our file was opened to Mr. Cogley's representative in complete confidence for the purpose of background understanding only, not for actual use. For good and sufficient reasons, we asked for and received a pledge that what was learned from it would be kept inviolate. Those reasons still obtain.

I do not understand why Mr. Cogley permitted you to see this material in contravention to his pledge to us.

A copy of this letter was sent to Cogley on the same date. Wrote the Block Drug Co.:

The attached letters speak for themselves.

I want to say further that we are deeply disturbed by the apparent violation of the understanding that we had as to the confidential nature of the material that we showed you.

It took Cogley until January 31, 1957, to respond to the letter of January 10. Was he sorry for breaking his agreement with the Block Drug Co.? He was not. Taking a stand similar to his position with Mr. Horton, he denied the agreement. Wrote Cogley:

It is ironic now to find that I have become the villain of the piece, and that for breaking a supposed promise I never actually made.

The evidence set forth above proves beyond doubt that John Cogley in appearing before the committee in July 1956 gave deceitful testimony. While we do not contend that his representations about protection of confidential sources constituted perjury, as defined by law, it was nevertheless untruthful. We find that the Fund, with respect to the status of Cogley and the interviewer's has deceived the committee. Cogley's willingness to be cited for contempt of Congress over his refusal to produce the documents subpoenaed in 1957 was, in the opinion of the committee, a necessary choice on his part. He could not afford to have the falsities of his published volumes exposed.

Typical of the exposures which an examination of the records of interview would make possible is found in the case of "a leading actress" reported on page 173. The actress, identified in the published volume on "Radio-Television" merely as "Miss H.," was confirmed by Cogley during his 1956 appearance before the committee as ~~Uta~~ ~~Hagen~~ Uta Hagen. Hagen subsequently appeared before the committee in a staff consultation. During her sworn testimony, she was asked about an interview by a representative of the Fund for the Republic. Admitting the interview, she was asked whether this quoted information was accurate:

In November 1954, Miss H. was involved in plans to star on a TV dramatic show. A short time before rehearsals got underway, the producer called and asked her to withdraw voluntarily. His office, the producer explained, had taken some chances on "risky people," and now thought it best to "mark time" for a while. He assured Miss H. he would use her as soon as things let up. She agreed to withdraw, but there were no more calls from this producer.

## LINO REGAL—AB 77

Under oath, Miss Hagen denied that the events as reported by Cogley had ever happened.

Cogley and the Fund for the Republic chose to cover their dishonesty from the people and the Congress by hiding it under a blanket marked "Freedom of the Press." Until now they have been successful; so successful, in fact, that they used tax-exempt money to reproduce a booklet which the Fund titled "Editorial Comments on John Cogley's Report on Blacklisting." This booklet contains editorial reproductions from newspapers throughout the United States. Typical of the Fund, the booklet did not include some unfavorable editorials. Just how many the word "some" encompasses, this committee does not know. But the Fund does because its clipping service returns would have included them. One such editorial is known to the committee, namely the editorial which appeared in the Cincinnati Enquirer and about which this report has already commented. While excluding the editorial, the Fund booklet did include from the Cincinnati Enquirer of July 31, 1956, an article by syndicated columnist William H. Hessler which supported Cogley's claim for freedom of the press immunity.

## LINO REGAL—AB 78

Fund Vice President Frank K. Kelly, in his Nieman Reports article, The Press and the Fund for the Republic, also supported Cogley's press immunity claim. He attacked the World Telegram and Sun for its position of stating that Cogley was entitled to no such claim. Kelly, in his position of a Fund vice president, knew the facts. He therefore knew that Cogley was not hired as a newspaperman. He knew that Cogley denied giving assurances, as we reported above. He further knew that identities were not withheld to protect sources. Yet he wrote that "The effort made by Woltman and the World Telegram to make Hutchins compel Cogley to abandon the journalistic tradition of protecting a source of information was astonishing to me and to other newspapermen with whom I talked." "They," according to Kelly, "could not recall any similar attempt in American history."

Kelly also analyzed the testimony of Arnold Forster and made the observation that "Forster later testified that the quotations attributed to him were accurate." This was again a misrepresentation of the facts. The committee will not attempt to interpret Arnold Forster's testimony, but will quote him directly as he was quoted. Forster was asked by Advertising Agency magazine: "Did the quotations which were attributed to you properly present what you had to put across?" The December 7, 1956, issue of the magazine quotes Forster's reply: "No! They were totally incomplete." According to the magazine, Forster went on to say:

If I were asked to prepare a statement on the subject [blacklisting], it would not be what was attributed to me in the Report.

It is little wonder that J. Edgar Hoover, Director of the Federal Bureau of Investigation, would comment on a "Let's Look at Congress" interview with Congressman Kenneth B. Keating on July 22, 1956:

Of course, there is a great deal of so-called criticism about what is termed the "faceless informers." I would just like to call attention, Congressman Keating, to the fact that some of the critics of that program, such as the Ford Fund for the Republic, recently issued a publication dealing with the blacklisting of performers in the entertainment world, and when the writer of that report was called before a congressional committee last week, and asked the identity of some of the sources of his information, he indignantly refused to disclose them.

Mr. Roper did not, however, in the September issue of the Fund's Bulletin declare that Mr. Hoover had, like Congressman Walter, "engaged in a deliberate scheme to discredit the Fund and its objectives in the eyes of the American people."

This project of the Fund is additional proof of the fact that the \$15 million grant has been used mainly to destroy individuals, and institutions who have exercised any initiative in fighting against international communism.

### FEAR IN EDUCATION

Fear in education as a project of the Fund for the Republic was not announced to the public until January 24, 1955. Yet the subject matter had been much a part of Robert M. Hutchins' life for many years. Fear and conformity had been charged by Hutchins in many speeches and writings, as the reason for dismissal of college faculty members. He had consistently apologized for the conspiratorial conduct of those dismissed. Typical of his defense of faculty members affiliated with the Communist conspiracy was a speech he made at Seattle, Wash., on April 7, 1949. Then president of the University of Chicago, Hutchins used his speech as a vehicle to criticize and condemn the University of Washington because it had dismissed three professors for engaging in Communist activities. In spite of the fact that the three were identified members of the Communist Party, Hutchins characterized their dismissal as attempts at "thought control."

While assistant director of the Ford Foundation, Hutchins wrote an article for the March 9, 1954, issue of Look magazine. Titled



## LINO REGAL—AB 79

"Are Teachers Afraid To Teach," the article repeated much of what the author had previously stated in his speeches and in his recommendations to the Ford Foundation. Hutchins, without investigation, found that "education is impossible in many parts of the United States today because free inquiry and free discussion are impossible: \* \* \* In these communities," wrote Hutchins, "the teacher of economics, history, or political science cannot teach."

New York, Philadelphia, San Francisco, and Los Angeles were identified as among the principle parts of the United States where free inquiry and free discussion was impossible. The reasons for this condition, Hutchins factually stated was "investigations into the loyalties of its teachers." Hutchins discounted statements by Whitaker Chambers and Sidney C. Hook that only a few teachers had been fired by opinionating that "you don't have to fire many teachers to intimidate them all." He thereafter found that "the entire teaching profession of the United States is now intimidated."

The firings, which were causing Hutchins such great concern, were of Communist Party members. Those whose affiliations were similar to the University of Washington professors, whose continued employment he demanded in his speech of April 7, 1949.

It was not surprising therefore, that Hutchins, in announcing in January 24, 1955, the Fund's fear in education project, announced its purpose to be solely "to seek a definitive answer to the question of whether or not American teachers are fearful and unable to do their best work because of their apprehensions." The press release after announcing that the purpose of the project was to determine whether or not there was fear, resolved that fear did exist and the questions, to be asked by questionnaire and interview, were merely to determine to what degree it existed.

Dr. Paul Lazarsfeld, chairman of the department of sociology of Columbia University, was announced as the project director. Dr. Lazarsfeld had previously been engaged by the Fund to work on its project to determine the size, nature, and extent of the internal Communist menace under the direction of Dr. Samuel A. Stouffer. We have previously discussed this project and the use which was made of it by the Fund. Dr. Lazarsfeld was a party to such use. Dr. Lazarsfeld, an Austrian, who fled Hitler and eventually obtained sanctuary in the United States, has publically expressed opinions on teacher problems similar to those expressed by Hutchins. In fact, in 1950, he canceled a summer teaching appointment at the University of California, Los Angeles, in protest against the loyalty oath which UCLA faculty was required to sign. An act which received national laudation from the Communist press.

Considering the bias on the subject, possessed by both Hutchins and Lazarsfeld, the committee wondered whether tax-exempt money, estimated as exceeding \$175,000, was being spent to prove the opinions of Hutchins. What was the position of the directors of the Fund, those with the responsibility under law for its operation.

Restrictions and assaults upon academic freedom was one of the directors' original area of inquiry. However, as documents of the Fund reflect, these restrictions and assaults were tied into the degree communism was responsible for them. "Academic freedom" is a broad term, sometimes carelessly and loosely used" according to the Fund's planning committee. Its committee on the legacy of American liberty observed that "the push for 'freedom' is a drive in the first instance by specific groups for specific privileges and immunities, and one man's freedom is, or may be, another man's duress." It further observed that in the preservation of freedom "it would greatly promote common understanding if those who disagree as to the means by which the ends of freedom are reliably achieved, would state their differences in terms of factual propositions about such means, rather than as slogans in an ideological battle."

The Fund's committee on the internal Communist menace was concerned about the Communist influence in our schools. Fund Director Shuster, president of Hunter College and a member of the ICM committee reported that "quite a little is likewise known about the methods employed by Communist teachers to recruit young people for the cause." He called for the Fund to give attention to youth camps maintained by pro-Communist organizations for indoctrination purposes.

## LINO REGAL—AB 80

In spite of the many conflicts of meaning which surrounded the term "freedom," and in spite of the varied interest in the subject expressed by the Fund's directors and committees, the project was restricted. According to the January 24, 1955, press release the study would consist solely of assessing—

the degree of fear among teachers in such areas as the handling of controversial subjects in the classroom, their relationship with students, fellow-teachers and administrative superiors, their feeling about expressing unpopular opinions in professional publications, their willingness to take part in extracurricular and community affairs, and the influence of tenure on academic freedom.

The items set forth above, quoted from Hutchins' press release are those suggested to the Fund in September 1954, by Lazarsfeld. They were suggested after Lazarsfeld found and reported to the Fund—"That fear of losing a job is certainly a rare and extreme case." Lazarsfeld's recommendation of the areas of inquiry as set forth above was based on "today's climate of opinion." Lazarsfeld did not define "today's climate of opinion" in the documents now in the committee's possession. Professor Stouffer, whom Lazarsfeld assisted in the previous Fund project described it partially with the statement:

When, for example, national figures say flatly that our schools and colleges are filled with teachers of atheistic communism, can we blame an average citizen who has no first-hand access to the facts if he comes to think a purge of the educational system may be necessary?

The above expression, together with similar expressions by Stouffer must have received the concurrence of Lazarsfeld because he recommended Stouffer as a member of the "Committee on Fear in Education."

Lazarsfeld also proposed the services on his committee of Dr. Marie Jahoda, of New York University. Dr. Jahoda is a regular member of the Fund team. She made her contribution to the Fund's black-listing project. In recommending her, Lazarsfeld observed that "some leads are available in a paper by Dr. Jahoda, who reported in the Yale Law Journal observations among Federal employees." The paper which Lazarsfeld furnished the Fund proved to the satisfaction of Dr. Jahoda that was a great fear as a result of security measure. This was accomplished through an interview of merely 15 faculty members and 70 Government employees. Statements of several of these employees, as reported by Dr. Jahoda, are as far from the truth as a lie can be stretched.

Another appointee to the committee studying fear in education was Prof. Helen Merrell Lynd, to whom communism and its relationship to teachers is no stranger. She was a speaker at the Communist "Cultural and Scientific Conference for World Peace," held in 1949. At the same time, she was protesting against the dismissal of Communist teachers. As early as 1940, she was opposing legislative investigation of Communist teachers. She supported the Communist controlled New York Teachers Union against expulsion from the A. F. of L. In 1949 she protested the enactment of the Feinberg-Heck bill which provided for the ouster of Communists from the New York school system.

Fund Vice President Ferry, in a letter to Lazarsfeld, set forth that: the aim of the Fund is to make an impact through education and research, on the general climate of opinion.

Conceding that the Fund's main concern was to determine the extent of fear in education, to be measured in the manner set forth later in Hutchins' press release, Ferry exposed his hand by proclaiming that the Fund:

is therefore not interested in subsidizing research per se, no matter how valuable such research might ultimately be to scholars.

To determine what was really the interest of the Fund, a representative of the Committee on Un-American Activities requested in June 1957, a copy of Lazarsfeld's report, filed with the Fund after

## LINO REGAL—AB 81

the completion of his survey: While the Fund has not published the report as of January 1958, on page 11 of the Fund's Three Year Report, released to the public on May 9, 1956, we find this language:

The reports of individuals in the ordinary case contain no conclusions or recommendations: they are statements of facts. Such reports are those of \* \* \* Paul Lazarsfeld and Louis Harris on the intimidation of teachers. The Fund vouches for the integrity of the authors and for the importance of their studies. It does not take responsibility for their selection of facts or for the accuracy of their statements. All the individuals undertaking to study and report with the assistance of the Fund, and all the commissions established by it, do so on the understanding that they are free to conduct their investigations and make their reports in accordance with their own best judgment without regard to the views of officers or directors of the Fund.

However, the factual report on the intimidation of teachers, about which the Fund bragged in its 1956 report, did not even exist. At least Fund Counsel Webster by letter dated July 2, 1957, responding to the committee's request for the report, claimed it did not. Wrote Webster: "I am informed that the report referred to was made orally to the Board." Was the truth that which was reported by the officers in their 1956 report, on the representations made by Fund counsel in July 1957.

The committee charges the officers of the Fund with concealing the report relating to its "fear in education" project. We suspect that many changes have been made in this report in order to conceal its propaganda content. We do not believe that Fund Chairman Roper was referring to a verbal report when he discussed the Lazarsfeld's findings at a special meeting of the directors of the Fund, held in New York, on February 15, 1956. The minutes of this meeting read:

Mr. Roper referred to the "fear in education" study and recommended that the findings be reduced to manuscript form suitable for publication as a book after which further disposition of the study to be determined.

This recommendation which was approved by the directors, disapproves also of the Fund's claim that project directors are free to "make their reports in accordance with their own best judgment without regard to the views of officers or directors of the fund." The committee has previously shown through its study of Fund projects relating to the Communist menace and to blacklisting that other Fund claims were also false. Most fragrant was the Fund's claim that Cogley's blacklisting report was "statements of fact."

Douglas Kirk writing in the April 18, 1956, issue of National Review appeared to have information that the Lazarsfeld report might be as unfactual as Cogley's. Wrote Kirk:

The Fund for the Republic is spending a great deal of money in an endeavor to discover fear among teachers. Men seldom fail to discover what they seek, if they have sufficient money to spend in the pursuit: and a representative of that Fund recently remarked in my presence, that the Fund knew that teachers were terrorized and was now proceeding to document its assumptions.

No wonder the Fund advised on July 2, 1957, that the Fund would no longer supply to the committee papers and information relating to its projects. No wonder the Fund rejected the committee's request to have members of the committee staff review the files of the Fund. But in spite of these refusals, Mr. Hutchins insists that the committee should be possessed of the objective facts—facts which he offers when speaking or writing for the benefit of the press but which he withholds in correspondence not released.

### LOYALTY-SECURITY

The director of the Federal Bureau of Investigation wrote recently:

\* \* \* Certain organizations obviously dedicate their efforts to thwart the very concepts of security. They vehemently oppose methods to gain this security and it is obvious that their aim is to destroy it. They protest that they are fighting

## LINO REGAL—AB 82

for freedom, but in reality they seek license. They hypocritically bar Communists from their membership, but they seem to hate all persons who abhor Communists and communism. They claim to be anti-Communists but they launch attacks against congressional legislation designed to curb communism. They distort and misrepresent and ridicule the Government's security program. They lobby and exert pressure on the leaders of Government both in the legislative and executive branches.

Some such organizations are supported by tax-exempt funds. Others are infiltrated by a hard core of propagandists, small but articulate, whose real aims do not represent those of the hundreds of otherwise well-meaning Americans who have supported such organizations. \* \* \* 85

<sup>85</sup> The Deadly Menace Pseudo Liberals, *American Mercury*, January 1958.

Mr. Hoover's statements are based on investigative facts which come to his knowledge through the facilities of the FBI. Much of what he writes has been documented by the committee's investigation of the Fund for the Republic. The campaign of opposition by the Fund, or persons appointed to its staff, to loyalty security programs has been, as found by Mr. Hoover, namely, to distort and misrepresent and ridicule the Government's security programs. The Fund has accomplished this through grants and its own projects such as that directed by Adam Yarmolinsky.

Interest in the subject of investigations of the loyalty of Government employees was only secondary to the areas of interest as set forth by the directors in their February 24, 1953, letter to the trustees of the Ford Foundation. The Fund's interest became intensified through its director, John Lord O'Brian, who had opposed even the concept of a loyalty-security program years before the Fund was even created. As early as January 1948, he spoke against the Truman loyalty program. The New York Times account of the speech before the New York City and State Bar Associations stated:

Attorney General Tom Clark and former Assistant Attorney General O'Brian yesterday expressed strongly conflicting views of President Truman's loyalty program.

Mr. O'Brian's objection to this program was historical rather than political. It was based mainly on a legal position related to guilt by association. His position was based on a knowledge of the danger faced, especially the revelation of the Canadian Commission on Soviet Espionage.

Writing in opposition to the Truman loyalty program in June 1948, he related:

In fairness, it must be admitted that in our present perils we cannot be guided wholly by historical precedents. That our country has within its borders hostile agents, cannot well be doubted. One of the most startling and, in a sense, appalling historical documents of our times is the Canadian white book, relating the activities of Soviet agents in the Dominion of Canada and summarizing the evidence, including the confessions of participants. It is difficult to read that revelation without a sense of bewilderment at the unconscionable lack of ordinary standards of honesty and morality. Similarly, no one can read it without being convinced that there must have been, and may still be, similar hostile activities being carried on in the United States.<sup>86</sup>

<sup>86</sup> Loyalty Test and Guilt By Association, *Bulletin of Atomic Scientists*, June 1948.

On April 27 and 28, 1955, Mr. O'Brian made two speeches in opposition to the loyalty-security program, together with certain legislation such as the Internal Security Act of 1950. His lectures contained many charges against the administration of the programs. Some of his charges were justified, but many were based merely on rumor, hearsay, and gossip about how the program was actually functioning. This lecture was reproduced in a book, *National Security and Individual Freedom*, and was distributed by the Fund for the Republic to Harvard Law School Association members.

## LINO REGAL—AB 83

Robert Hutchins, appearing on Meet the Press on November 20, 1955, quoted John Lord O'Brian as stating that the "issues of loyalty and security have been seized upon by unscrupulous politicians and used as a political weapon." This also has been the position of Hutchins in several of his speeches which we quoted earlier. It has also been the position of Board Chairman Hoffman, Security Consultant Willis, and the majority of Fund participants. Adam Yarmolinsky, selected to study the loyalty-security program, was ~~in agreement~~ Yarmolinsky spoke of the citizens' demand for a loyalty-security program as one which was "fed by unscrupulous and ambitious men, who did not hesitate to rewrite history or to revise arithmetic." Yarmolinsky modified this statement at time of delivery. As originally prepared, "was fed" read that the people's demands "reached the proportions of an hysterical demand fed by unscrupulous, etc. \* \* \*

In this same speech, Yarmolinsky referred to certain security cases by lifting minor charges out of context from either the statement of charges or the hearing transcript. Misrepresentation for the purpose of ridiculing was, as we shall show, the motivation behind the printing of selected loyalty cases. Yarmolinsky in his speech also accused the Navy with prescribing what was considered by it as orthodox conduct on the part of Navy personnel. Robert Hutchins, in his Berea College speech, described the Navy action as "no wonder that some Government departments have set up guidance clinics in which their employees are taught how not to look like security risks." The basis of his charge was advice which appeared in civilian-personnel instructions and which advised them "to study and seek wise and mature counsel prior to association with persons or organizations of any political or civic nature." This advice was given, according to the Navy instructions, because "the simple principles of good citizenship require that all enthusiasm for well-sounding functions be tempered with the wisdom of full knowledge of the real forces and aims behind them, so that well-meaning citizens will not be unwittingly led into aiding and promoting forces which are contrary to their own basic beliefs."

Loyalty security was considered by Clifford Case during his presidency of the Fund. Case, through the then consultant on security matters, was considering the creation of a citizens commission to review the entire program. Prominent figures from public and private life were in the process of being invited to serve on such a commission when Case resigned to seek political office. The consultant, Joseph Volpe, who was well experienced in the field of loyalty security, ~~remained~~. He remained, that is, until Robert Hutchins succeeded Case. Thereafter, the objective approach to the subject was abandoned. Volpe advised a representative of the committee that he resigned as a consultant because of the attitude of Hutchins on these matters. He explained Hutchins' attitude as being against impartial inquiry and being based on the theory that we know the programs are wrong, so let's just prove it.

Hutchins' position was similar to O'Brian's, according to the minutes of the board of the Fund, dated June 30, 1954. At this meeting, Mr. O'Brian expressed deep concern about the long-range problems of loss of individual rights through the acts of administrative tribunals and, particularly, the disregard of due process in applying administrative procedures to loyalty questions. He stated that many individual cases in which legal justice was denied did not attract attention; that the public was accepting the situation; and that there is nothing more dangerous than acquiescence in these practices. Twenty-five thousand dollars was appropriated for a commission on security.

Between June and September, Walter Millis, who had formerly been on the editorial staff of the New York Herald Tribune, was appointed as a consultant on security as a replacement for Volpe. Difficulty was experienced in obtaining members for a security commission. By November 1954, Millis interested Mr. Klotz, president of the bar of the city of New York in attempting to obtain representation from other geographic areas to serve on a commission.

On November 18, 1954, the directors of the Fund raised the total appropriation to \$125,000 by appropriating an additional \$100,000. At a directors' meeting of February 17, 1955, the total appropriation was raised to \$175,000. For the first time, the minutes reflect that

Klotz

## LINO REGAL—AB 84

the Fund has commissioned a study of loyalty-security cases. What was intended by the study was not reflected by the minutes; it remains hidden through the refusal of the Fund to make their records available. The minutes did earmark \$35,000 of the additional appropriation to the case-study project which was under the direction of Adam Yarmolinski. The minutes suggest that the original appropriation of \$25,000 was also diverted to the Yarmolinski project.

Also hidden from the public were the circumstances surrounding the appointment of Yarmolinski, together with the date he was actually commissioned. But, irrespective of the date, the study was sufficiently completed by May 19, 1955, for the directors to discuss publication. The minutes of May 19, 1955, reflect that Director O'Brian stressed the importance of prompt publication of selected cases from collections of security cases prepared under direction of Adam Yarmolinski. Mr. O'Brian pointed out that this was the Fund's own project, authorized prior to the formation of the association of the bar of the city of New York special committee on the Federal loyalty-security program. Thereafter, the directors appropriated an additional \$25,000 for the reproduction and distribution of reports on those security cases collected by Yarmolinski.

In August 1955, the selected cases were printed and released to the public. The cover leaves the impression that it was the Bureau of National Affairs, Inc., under whom Adam Yarmolinski directed the project. ~~The Fund~~ for the Republic, Inc., is credited with merely making the study possible. It is not identified, as Fund Director O'Brian identified it, as "the Fund's own project."

Yarmolinsky acknowledges that the cases are biased, and that he is presenting mainly the employee's position, the completeness of the employee's position being dependent on the integrity of the employee's attorney. In all the cases, only the employee's attorney was interviewed. It is known that among the "employee-attorneys" interviewed there were identified members of the Communist Party, many of whom had been witnesses before Congressional committees investigating their role as legal strategists of the party. This affiliation of "employee-attorney" must have been known to Yarmolinsky because the introduction to his case studies related:

"We have tried to eliminate possible bias by employing carefully selected lawyer-interviewers (whose names are listed following this introduction)

Irrespective of the impartiality of the lawyer interviewers, they could not report items which were withheld from them by the employee-attorney. Also, as the committee investigation indicates, either the Fund, or the employee-attorneys, or both, were not interested in making available those loyalty-security cases where a potential threat to the security of the United States was involved. Those cases selected for publication, as well as the near 360 cases obtained by the Fund, related to employees who were suspended from their employment and later cleared, or those employees denied final clearance who had at one time been cleared on the basis of similar charges.

The committee, being denied access to the records of the Fund, found it necessary to seek the objective facts relating to this Fund project from secondary sources. At this date, all the facts are not available to the committee and, therefore, this report is restricted to the available facts.

To determine the extent to which the "lawyer-interviewer" engaged by the Fund contributed to this project, we wrote each individual identified in the study's printed report. All but 13 of those listed responded to the committee inquiry. Of those responding, 20 individuals denied that they did any work for the Fund on this project or received any compensation; 86 represented that they had done work on a total of 224 cases; 2 refused to tell the committee the extent of their participation. 1 questioning the jurisdiction of the committee to make such an inquiry. Therefore, the 15 lawyer-interviewers, who either ignored the committee's request or who refused to comply with it, handled 126 cases.

Yarmolinsky was hired by the Fund because of his objection to the all-inclusive scope of the Federal loyalty-security program. His views before the study was that there should be a relationship between the position then held, and opportunity available to the employee to use his position to injure the national security. As an attorney



## LINO REGAL—AB 85

representing employees involved in loyalty security, he also abhorred the indirect consequences of such programs, such as:

Casting into shadow whole areas of activity and association and thereby imposing increasing restrictions on freedom of thought and expression in the United States.

The case studies printed in August 1955, are a reflection of the views of Adam Yarmolinsky toward the loyalty-security program. The cases as reported may or may not be those on which he worked as an attorney prior to his employment by the Fund. While prepared by Fund-employed "lawyer-interviewers" they represent much of that told the lawyer-interviewer by the employees' attorney. By deceit some employee-attorneys withheld documents in order to misrepresent the loyalty-security program. Where this occurred it could have been done without the knowledge of either Yarmolinsky or the Fund-employed lawyer-interviewer. But in some cases, facts set forth in the case study indicate that it was evident that a document had been withheld. These cases should have been further investigated but were not. Instead they were chosen for reproduction because they played a role in the plan to discredit.

Case No. 10, reported on page 9, is a case in point. In the last paragraph of comment under the heading of "Employee's Response," it is reported:

That neither in this hearing, nor in the two subsequent hearings described hereafter, was the transcript available for examination and these accounts are based on counsel's notes and recollections.

The first paragraph on page 11 of the case study would indicate that the employee received a copy of the first hearing before the Civil Service Loyalty Board, since there is a reference to the employees "clarifying and adding to some statements made by him at the hearing and making minor corrections to the transcript of the proceedings." The paragraph beginning at the bottom of page 12 of the case study indicates that a copy of the second Civil Service Loyalty Board hearing was furnished to either the employee or his counsel. The committee's investigation discloses that the employee was furnished a transcript of the hearing at the Marine Corps Headquarters and that, under the date of April 4, 1954, the employee's counsel submitted suggested amendments and corrections to several items in the transcript.

With the transcript the case study would have reflected not that there was "no degree of sensitivity to the employee's job" but could have quoted from the testimony of the Head of the Training Section, Marine Corps Headquarters that after security questions were raised the employee had not been assigned sensitive duties.

Case 10, is an employee who was found on the basis of evidence to have been a member of the Communist Party in 1948-49. It also found that he had falsified his application for Government employment, and his testimony before the Loyalty Board, in denying membership in the Communist Party. The committee intends to inquire of both the Departments of Navy and Justice as to the extent of perjury investigation and action in this case.

The employee was reinstated by direction of the Secretary of the Navy on September 2, 1954, and after being reimbursed for loss of pay and allowances reassigned on the following day, September 3.

But returning to case 10, as reported, a review of the transcript of hearings, the lawyer-interviewer of the Fund could have learned both the content and relevancy of those questions of politics and sex which the study suggested, were questions which went far afield.

Case No. 16 reported on page 14 of the published studies, misrepresents as does case No. 10. This case involved an employee of the Government Printing Office. The report states that his work did not involve access to any classified material. The committee investigation found that the employee's job did involve work of a security nature and after receipt of investigative reports concerning him, he was transferred, pending final determination, to the Library of Congress branch which, within the Government Printing Office, handles no security work.



## LINO REGAL—AB 86

Two out of the first three cases which the committee was able to identify and investigate produced misrepresentations relative to the security nature of a case-study employee. And at this point we desire to point out a sincere problem faced by the Government in this program. Should the Government of the United States be required to have within its employment, employees whose talents cannot be utilized throughout the entire Government? In case No. 16, should a proof-reader within the Government Printing Office be one who can be utilized on all projects, or should it be required to have 2, 1 for proof-reading security documents and 1 for proofreading those not involving security? Should the Government be required to keep in its employment in a nonsensitive position, a security risk who cannot be trained for utilization in positions where security clearances are required? This committee rejects the argument that the Government should be so handicapped. The United States has as much right to insist upon undivided loyalty from its civil servants as does the Communist Party of its coconspirators. Loyalty to the United States is not compatible with loyalty to totalitarianism, either Communist or Fascist.

Case No. 16 under the heading "Charges" devoted considerable attention in a derogatory manner to a hearing given the employee "without the presence of counsel." No effort was made on the part of the Fund to determine the function of the body which accorded the employee the hearing. This administrative action seems sound to the committee and appears designed to prevent miscarriages of justice. The group before whom the employee appeared was a reevaluation committee, composed of three officials of the Government Printing Office, two of whom were members of the District of Columbia Bar Association. Their function was to review all cases under section 4 of the Executive Order 10450 and to make recommendations to the Public Printer through the security officer. The hearing according to case No. 16 was an administrative procedure to establish whether the facts in the case were sufficient to be handled by a security hearing board. Many employees of the GPO have not been the subject of charges due to the operation of this reevaluation committee established by the Public Printer.

The employee-attorney for case 16, is reported as having been advised that the Government Printing Office did not use the Attorney General's list of subversive organizations. This is false and the Fund made no effort to determine the facts.

Under the heading "Employee's Response," the reply to charges are as reconstructed by the employee-attorney. However, they could have been quoted so as to give a more accurate statement. But the employee-attorney did not make the transcript of hearing available. The Fund interviewer based his description of what transpired at the hearings solely on the employer-attorney recollections. Wrote the Fund interviewer: "The transcript was unavailable to the interviewer." It could have been unavailable because the Government refused to supply a copy to the employee, but this was not the fact. The committee investigation disclosed that a transcript was mailed the employee on March 19, 1954. With the transcript the Fund interviewer would not have reported:

The chairman indicated to the employee's counsel that he was not interested in four character witnesses offered on the employee's behalf, since the written record and the employee's testimony were before him and were enough for him. But despite this reaction, counsel proceeded to call the witness and also made a concluding argument, although the chairman was reluctant to let him do so.

That the above is clearly a misrepresentation of the facts can be clearly demonstrated from the transcript which the Fund did not bother to obtain.

CHAIRMAN. We will take a recess. I have 1 or 2 other questions I would like to ask [defendant], but since [Board member] has a business appointment, we will take a recess now until 1:30 and we will come back here at that time and continue the hearing.

ATTORNEY. May I ask a procedural question? As I told you, one of our witnesses is coming during the lunch hour. She requested that she be heard by 1:15, but I gather that would be too early.

CHAIRMAN. Have you gained any impression, Mr. [Attorney] that you can finish your questioning of [defendant] so that they can be on that time?

## LINO REGAL—AB 87

ATTORNEY. I was going to suggest putting them on before I proceed with my questioning.

CHAIRMAN. After I complete the one or two other questions that I have, we will take them right after. Will that be all right?

ATTORNEY. Yes.

CHAIRMAN. You still think it is necessary to put other witnesses on?

ATTORNEY. Well, I would like to say that I certainly feel that in justice to (defendant) we ought to make the strongest possible case.

CHAIRMAN. Are they character witnesses?

ATTORNEY. They are people who have known him well, sir. One is his minister. Two people from the Government Printing Office—

CHAIRMAN. Were their affidavits submitted?

ATTORNEY. Yes, but there are questions in detail that I want to ask them. They have had affidavits submitted, but I want to give you an opportunity to cross-examine the people who have ridden in his car pool, his minister who knows him well, and people who have worked with him at the Government Printing Office.

CHAIRMAN. Well, are they only corroborating these affidavits?

ATTORNEY. They will introduce additional information, sir.

CHAIRMAN. All right, but I think perhaps you ought to—well, you can decide that. We will recess then until 1:30.

Another misstatement caused by the employee-attorney misrepresentation or faulty memory related to permission for the employee-attorney to review the reevaluation committee transcript. The chairman of the hearing board had the complete file which included the refusal of the security officer to make available the transcript as outside his authority. The chairman did not express surprise that the officer had not let the attorney delve into the case file. The employee-attorney was given the opportunity to examine the transcript by the board at a recess.

Case No. 20, which is reported on page 28 of the published studies, was apparently selected for the purpose of discrediting the loyalty-security program. The proceedings and the hearings as reported in the published study are based upon the statements made to the Fund lawyer-interviewer by the employee-attorney. This case differs from the previously reported cases insofar as a transcript of the hearing is concerned because in this instant case a transcript was not available to the employee-attorney, but even in this instance, the published report contained a misstatement which, if believed, could serve to damage the loyalty-security program. On page 31, the Fund reports:

When the matter was successfully concluded, the counsel sought a copy of the transcript of the hearing. His request was refused "because it might violate security."

It is true, as reported, that the counsel sought a transcript of the hearing. It is false that he was advised that the transcript would not be furnished "because it might violate security." As a matter of fact, the employee-attorney received no advice with respect to the availability of the transcript. The reason one was not furnished to the employee was because when the employee reported for duty, after his reinstatement, he stated to the security officer that he did not care to have a copy of the transcript.

The Fund's published report under the heading "Proceedings Under Executive Order 10450" charges that the employee was ordered at 1 o'clock in the morning to report to the security officer. The report continues: "After waiting for more than an hour, the employee was interviewed by the security officer and questioned at length about the charge previously set forth in the interrogatories under Executive Order 9835."

The employee, as the report acknowledges, was employed on a shift from midnight to 8 a. m. He was notified at 1 a. m. that he would be required to appear before a security officer, but his appearance before the security officer and the hour at which he was interrogated do not conform with the Fund version as can be verified in the transcript of the proceedings. During the course of the hearing given to this employee, the chairman of the board invited the security officer to interrogate the employee and the transcript reflects the following question and answer:

SECURITY OFFICER. Another fact that I want to bring out—This 1 a. m. that they notified you to come to this reevaluation hearing, or to come see me in the morning—I think the board knows now that you were working at that hour so they didn't get you out of bed to notify you at 1 a. m. in the morning,

## LINO REGAL—AB 88

EMPLOYEE. That is correct. May I state more specifically. My supervisor paged me on the floor and asked me to come to the office and when I came to the office, well, he showed me this note and from there I followed instructions.

The Fund's recitation under the heading "Hearing", state that the security officer was the Government's only witness. This is a misstatement of fact in that the security officer was never a witness. As reported above, the security officer did, at the invitation of the board chairman, interrogate the employee. Equally false is the claim that the employee-attorney cross-examined the security officer. This paragraph, as related in the Fund's published report of case studies, reads as follows:

The security officer was the Government's only witness. He was cross-examined by counsel for the employee and stated that one thing against the employee was that the employee engaged in "leftwing" talk. When asked what this "leftwing" talk was, the security officer stated that the employee had used the word "second-class citizen." Counsel brought out from the employee that he had stated to the security officer that the employee "would rather be a second-class citizen in Mississippi than a first-class citizen in Russia."

The only recitation in the transcript which can possibly be related to the paragraph as reported by the Fund proves the maliciousness of the attempt made to discredit the program. The transcript reads:

SECURITY OFFICER. You speak of this second-class citizenship quite often. Will you explain to the board what you consider a second-class citizenship? I didn't know there was any such thing in the country.

EMPLOYEE. I would tell you why I came to that conclusion. Here's my own terminology. It is because that in certain sections of the country certain people are denied certain opportunities that other people enjoy. That is why I say second-class citizenship. I did that for a point of interest and a point of stress to repeat what I said in the October 9 meeting and to repeat a statement that I made earlier, that under the Democratic ideal and ideas, a second-class citizenship are persons who are limited because of their race and their creed, enjoy a greater opportunity in the United States and more freedom than they do in any other government.

EMPLOYEE-ATTORNEY. I want to ask you one other thing. You use the term "second-class citizenship." Is that an unusual term?

EMPLOYEE. That is my own term. I wouldn't consider it unusual.

The Fund's published report states also under the heading "Hearing" the employee denied ever having subscribed to or received the Daily Worker. And the Fund alleges that the Daily Worker was brought into the hearing in order to establish the employee's apparent preoccupation with labor unions. Again relating to alleged testimony by the security officer, the report as printed by the Fund reads:

The security officer also testified to the employee's apparent preoccupation with labor unions and stated that the employee must have taken the Daily Worker in order to know what course of conduct or line to follow as a member and officer of his union. Counsel reported that one of the three board members hearing the matter was from an agency dealing with labor matters and that the member indicated surprise at the statement of the security officer.

The security officer did not testify and therefore could not have testified as to the employee's apparent preoccupation with labor unions. The following is lifted from the transcript of the security board hearing and is the only thing that could be found pertaining to this matter:

ATTORNEY. Do you regard the Daily Worker now, or at any time, an authority on trade union movements?

EMPLOYEE. No.

SECURITY OFFICER. How do you know if you have never read it?

EMPLOYEE. The authorities—the reason I said "No" is because the research material mentioned nothing about a Daily Worker.

With respect to the statements reported by the Fund that the employee denied ever having subscribed to or received a Worker, this is also false as the transcript of the hearing reflects:

BOARD MEMBER. I think for the record we might get this straight. How long were you living at this address during this year that the Daily Worker came to you personally?

EMPLOYEE. I would say approximately January 1947 until I left in the summer session, perhaps in July or August. I don't remember exactly.

BOARD MEMBER. Do you know if the Daily Worker continued after July?

EMPLOYEE. No. If it actually came, I never saw it.

BOARD MEMBER. But it did come while you were at this address for the 7 months, I guess it is?

EMPLOYEE. Yes.

## LINO REGAL—AB 89

In case 51, which is reported starting on page 60 of the Fund's published case studies of personnel security, misinterpretation of the departmental regulations is also used to discredit the entire program. Described merely as a civil service employee who had been employed for 7 years, the committee's investigation determined the employee referred to was an employee of the Post Office Department.

The report states that the agency security officer might, at his discretion, suspend an employee, pending the outcome of the case. As a matter of fact, there is no such provision. The security officer can recommend such suspension, but the responsibility is lodged by these regulations in the Assistant Postmaster General or other bureau head having jurisdiction.

The report, as published by the Fund, attempts to show a disregard by the Government of the physical well-being of employees who are involved in the loyalty-security program. It directs attention to the fact that the employee requested a 2 months' continuance because of illness, followed by hospitalization and an operation, and that the board only granted a 2 weeks' continuance. As a matter of fact, the information in the files of the Department reveals that an inquiry was made of the Veterans' Administration hospital where the employee was admitted as a patient suffering from chronic laryngitis on May 12, 1954, and that the patient was discharged on May 19, 1954, "able to resume prehospital employment." When these facts were revealed, the employee-attorney agreed to be ready for a hearing sooner.

The case study refers to the questioning of the employee as to his reasons for leaving the Communist Party, but there was no statement of the fact that the employee had admitted there were efforts by the Communists to have him serve on a picket line, distribute literature, or buy books. Also, no comment is made in the published report on the fact that, when questioned about attendance at Communist meetings, the employee did admit that all persons in attendance at the Communist meetings held Communist Party cards, as did the employee himself. Moreover, the printed case study does not show that the questioning elicited from the employee an admission that he had attended several meetings prior to his actual membership, a fact which has some bearing on the employee's explanation that he thought he was joining a social organization when he joined the Communist Party. The published study further discloses that the employee was requested to define such words as "proletariat," and "dialectical materialism." As a matter of fact, he was not asked for such definitions. What he was asked was whether these terms had any significance or meaning to him in light of questioning as to whether he had read the writings of Marx, Lenin, and Stalin.

Case 58 as reported, starting on page 85 of the published studies, that the employee "had no access to secret Government documents." The employee was an \$8,000 per year educational administrator in a United States trust territory. The inference that merely because the employee was an educational administrator, no secret Government documents passed over his desk, makes ridiculous the Fund's inference that this employee should not be considered as a threat to the security of the United States. His mere presence in an important United States trust territory properly brought him under security regulations.

The committee has not attempted in cases previously discussed, nor does it intend in future cases, to deal with confidential Government information not made available to the Fund for the Republic attorney-interviewer. Case 58 points strongly to the damage such one-sided presentation of the loyalty-security program can cause to the program itself. Documentary evidence in possession of the Government shows conclusively that the employee identified as case 58 repeatedly lied in answers to questions relating to those individuals identified in the published case study as "A" and "B". No reasonable person reviewing all of the evidence available could have possibly voted to retain this employee in Federal service irrespective of the fact that he had once been cleared under Executive Order 9835. But the Government's treatment of its civil servants and the Fund's attempt to expose this as harsh and inhumane is attempted by recitation of accounts not directly involved in the security hearing itself. The published case study reports that the employee returned to the United

## LINO REGAL—AB 90

States "and obtained a counsel at the end of April 1954. It continues "Employee's family did not rejoin him until November 1954." By this language the report leaves the implication that the Government was responsible for the long separation between the employee and his family. This implication is unjustified inasmuch as it was the employee's decision that his family remain in the trust territory of the Pacific Ocean since he felt he would return upon clearance.

The published report also leaves an inference that the expense of transportation of the employee from his duty station outside the United States to Washington was borne by him. Actually, the department paid for the return, not only of the employee, but of his entire family, at a cost of \$2,224.38.

The published case study in dealing with case No. 112, starting on page 153, starts off: "The employees in this case were husband and wife who were employed in a Federal 'housekeeping' agency." Considerable time was devoted to locating these cases within the General Services Administration, the only agency popularly known for its "housekeeping" activities. The employees, however, were discovered to be not employees of GSA but of the Government Printing Office.

The employees were served with statements of charges by the Government Printing Office and both resigned their positions. The litigation dealt with by the Fund for the Republic deals more with an effort to have the Government reject the resignations rather than a recitation which deals with security considerations. In view of the fact that this case did not go to a hearing board and there were no procedures which would permit a different handling by the Government Printing Office, only the Fund for the Republic can explain why it was dealt with in such great detail as a security matter.

Case No. 136, reported on page 158, involves an employee charged with being a member of the Communist Party. To discredit the loyalty-security program, the report is quite extensive and quotes considerably from the transcript. Much of what is quoted is the material of cross-examination and is quoted obviously for the purpose of showing unfavorable aspects to the employee. As a matter of fact, the transcript contains cross-examination which was favorable to the employee. And, of course, the case study definitely omitted this material.

In reporting on case No. 190, which appears on page 189 of the published studies, the Fund report states that the employee did not have a copy of the transcript of the 1948 hearing. The report does not reveal whether or not a copy had been furnished the employee in 1948 or that under procedures then in force she could have obtained a copy at the time of the earlier hearing had she so desired.

The Fund-financed study is also misleading in that it states that the attorney for the Government Department announced at the hearing that the Department had no live witnesses "and that the Department's information is in the form of a report by the FBI from which I will paraphrase extracts." As a matter of fact, the full quotation is as follows as reflected by the transcript of the testimony. It will be noted from this quote that the Government was paraphrasing the FBI report in order to make the knowledge contained therein available to the employee and her counsel and that this knowledge was not necessary for the board:

The Department has no live witness. Our information is in the form of a report of the FBI from which I will paraphrase extracts, since the Board already knows, in order that the employee and her counsel will know.

The study further indicates an intent to cause the reader to infer that the chairman of the Security Board in one instance tried to indicate that he could not comment on the reliability of the FBI informant, but the context of the whole thing indicated that the Board was talking about the identity and the reliability of the informant.

A review of the transcript of the hearing compared with the study as printed by the Fund for the Republic reflects an instant in this case where material was taken out of context to raise the implication of bias concerning color.

The study also indicates that "the hearing was ready to end on the same day; it was, nevertheless, continued until the next day." The report fails, however, to indicate that the purpose of the continuance was to permit witnesses brought by the employee to testify.

## LINO REGAL—AB 91

The Fund's method of concealing the identities of the employees involved in the case studies reproduced has made it extremely difficult for the committee to identify these employees. While the committee is continuing its investigation in this field, this report is unable to compare the cases reported, with the facts as reflected by the complete file excluding the security information. In addition to those cases reported in detail, the committee has also found slight discrepancies in other reported cases such as cases Nos. 60, 64, 81, 82, 107, 146, 175, and 224. While the committee has described the discrepancies in these cases as minor, they are not such when considered in light of the program of the Fund of discrediting the loyalty-security program. An illustration of the character of these discrepancies found by the committee in the listed cases is the case No. 107. This case involves a clerk in the Post-Office Department. The charge was Communist association. The employee was suspended and service later terminated.

The case study states (p. 145) that the employee's attorney stated that no Attorney General's list of designated organizations existed in 1948, a date of importance in one of the charges. As a matter of fact, the organization referred to was on the list as released by the Attorney General to the Loyalty Review Board on December 4, 1947. The report further states (p. 149) that the employee answered every question put to him by the board or his counsel in detail. A close reading of the transcript discloses, however, that the employee's counsel, on 13 occasions, objected and prevented the employee from answering questions directed to him by the chairman of the hearing board.

This report in the discussion of the case studies obtained under the direction of Adam Yarmolinsky and financed by the Fund for the Republic has restricted its discussion to only the case studies printed and distributed by the Fund for the Republic. They represent about one-seventh of the complete cases obtained by the Fund during this project. The committee has reviewed the case studies obtained from sources other than the Fund for the Republic, which denied the cases to the committee, and finds that the treatment of the loyalty-security program is similar in the Fund published cases. The published as well as the unpublished case studies were turned over by the Fund for the Republic to the special committee on the Federal loyalty-security program of the Association of the Bar of the city of New York. This special committee, financed by the Fund for the Republic at a cost in excess of a hundred thousand dollars, issued its report on the loyalty-security program in the form of a book published by Dodd, Mead & Co. in 1956. While the tax-exempt funds financed this study, the American people, to learn the findings of the special committee of the Association of the Bar of the City of New York, were required to pay \$5 per copy.

A reading of the report of the special committee of the New York Bar points strongly to the fact that the case studies with which this report has dealt in some detail, formed the basis for the special committee's recommendations. While it is true that the book of the special committee lists the names of several dozen conferees, the committee's inquiry discloses that many of the individuals listed contributed nothing to the study itself. In listing the conferees, the inference is intended that these people contributed factually to the study and its resultant findings. However, the committee found that several individuals listed as conferees were contacted and, in response to the contact, advised the special committee that they were willing to appear whenever the special committee desired to hear from them. However, after promising the special committee full cooperation, nothing further was heard from them and no testimony was taken.

On page 53 of the "Federal Loyalty-Security Program," the published report of the special committee, we find that the case studies in personnel security collected under Yarmolinsky were assumed to be exactly what Yarmolinsky claims them to be:

These histories are collected, with the consent of the employees involved, from the files of the lawyers who advised or represented them. The reports are of necessity incomplete, because the Government file, which was not released to the employee, was also not available to our interviewers.

The special committee also accepted the Yarmolinsky case studies as being factual evidence:

## LINO REGAL—AB 92

That many of the cases of injustices which have arisen under the programs were due to inadequate screening of derogatory information. As a result, many charges were made by screening officers which later proved to be groundless, causing unnecessary damage to the life and reputation of the person charged and unnecessary suspensions contrary to the interests of the Government.<sup>57</sup>

<sup>57</sup> New York Times, July 14, 1957, letter to the editor by Dudley B. Bonsal.

The special committee acknowledged that it had received hundreds of other case studies from the fund-financed project. They used these case studies without any apparent attempt to verify the facts represented therein. An investigation by the special committee would have found the studies largely biased and unfactual. Even in the absence of the hearing transcript or the information contained in the Government file, some cases were unfactual on their face. Merely a reading of certain cases would have shown that the studies' inference that the Government would not, or did not, make a transcript of hearings available to the employee was false.

The Commission on Government Security was established by Public Law 304, 84th Congress. Its purpose under the law was to review the Government's internal security as it related to its employees. Its authority, and scope were much broader than the interest assumed by the special committee on the Federal loyalty-security program of the Association of the Bar of the City of New York. The knowledge possessed by certain members of the Commission on Government Security was sought by the special committee. This fact is acknowledged by a review of the list of conferees.

When the printing of the report of the special committee was made available to the public at the cost of \$5, the Commission on Government Security observed a conflict in views. The evidence being obtained and analyzed by the Commission on Government Security pointed to a need for the continuation of the loyalty-security programs such as the international employees loyalty program and the port security program. On the other hand, the evidence considered by the Fund for the Republic's financed committee on loyalty-security apparently justified the recommendation for discontinuance of these programs. The evidence considered by the special committee apparently supported a recommendation for the abolishment of loyalty-security programs as involved non-sensitive positions in the Government, while at the same time the Commission's evidence justified continuance.

To fulfill its obligations under the law of basing its findings and recommendations upon the consideration of all available facts, the cooperation of the special committee was sought. On August 27, 1956, a member of the staff of the Commission on Government Security called upon Elliott B. Cheatham, staff director of the special committee. Cheatham, professor of the Law School at Columbia University, was requested to make available to the Commission on Government Security any documentation which supported generally the special committee's recommendations. In refusing the documentation, Cheatham suggested that the request be further negotiated by Mr. Wright, Chairman of the Commission, and Mr. Bonsal, chairman of the special committee.

The staff member of the Commission reported that on the basis of his conversations with Mr. Cheatham of the special committee, that committee had nothing of any value in the way of documentation, relating to either the international organizations loyalty program or port security. It was his impression that both recommendations to abolish were made solely because the areas involved non-Government personnel.

Mr. Wright wrote Mr. Bonsal, and on September 13, 1956, received a negative reply, which reads as follows as it relates to the programs mentioned above:

As to material pertaining to the port security and international organizations programs, apart from the published material which you have, the only material in the files would be suggestions and comments from the many people whom we interviewed in preparation of our report. As I mentioned to you when you were good enough to meet with our committee in New York, all these interviews have been on an off-the-record basis and our committee has felt that it would not be appropriate for us to release any notes which we or the staff may have made with regard to them.

The report of the special committee on the Federal loyalty-security program has much to say about confidential informants. While it



## LINO REGAL—AB 93

approves their use, it does so under conditions which guarantee their reliability. The protection of the identity of confidential Government information, including informants, is one of the reasons advanced by the special committee for restricting the Federal loyalty-security program to those employees holding sensitive positions. From an examination of the bias possessed by some of the special committee's conferees, the special committee exempted itself from the condition of establishment of reliability of its informants. By denying its documents to an official agency of the United States Government, one charged with the responsibility under the law, the faceless informer remains faceless, and the reliability of his information remains questionable.

Even after denying to the Commission on Government Security the documents under which its recommendations were based (international employees and port security), the special committee's chairman publicly objected to the recommendations of the Commission in these areas. Wrote Mr. Bousal to the New York Times on July 8, 1957:

The Commission did not attempt so to limit the programs. On the contrary, it would extend them not only to the legislative and judicial branches of the Government, but to the civil air transport as well. The Commission suggests that a civil air transport program would be a protection against sabotage. As we stated in our own report "in our closely integrated society the danger of possible sabotage exists at literally tens of thousands of places and from almost the whole population \* \* \*

"If the Nation embarks on personnel security clearance of employees to prevent sabotage in one section of industry, the logic of the policy would call for its extension widely through industry and business \* \* \* This logic would thus lead to peacetime personnel security clearance for almost all citizens.

The danger to liberty from such a course should cause us to set ourselves resolutely against it. Rather, the Nation should rely, as it has in the past, on other measures \* \* \* These measures include, counterespionage and adequate physical protection of all installations."

The appropriation made to the Association of the Bar of the city of New York has not been the only appropriation made to it by the Fund for the Republic. On April 22, 1957, it was announced by the president of the Association of the Bar of the City of New York that the "association would conduct a professional and objective study of procedures in connection with the issuance, denial and withdrawal of passports." The press release indicates that the study to be financed by the Fund was a new interest, resulting from confusion over passport policy in "recent months".

Immigration and passport matters have been one of the subjects of interest to Robert M. Hutchins as far back as July 1952, when the docket to the trustees of the Ford Foundation was prepared urging the trustees to appropriate to the Fund for the Republic a sum in addition to \$1 million appropriated in October 1951. As a matter of fact, on November 17, 1955, the Fund for the Republic appropriated \$25,000 to the Committee on Internal Security of the Bar Association of the District of Columbia to conduct an investigation into the policies and procedures in passport matters. The money was appropriated, conditioned upon the District of Columbia bar establishing a tax-exempt foundation to receive such funds and to conduct such research. In April 1956, the bar association voted to authorize the incorporation and it was thereafter incorporated as the Bar Association Research Foundation. From the notice of April 22, 1957, to the effect that the Fund for the Republic had made an appropriation to the Association of the Bar of the city of New York, it would appear that the Fund for the Republic dropped the District of Columbia bar as a recipient of funds to conduct the identical research. The documents of the Fund for the Republic in possession of the committee do not indicate the reason for the change in venue. In light of the refusal of the Fund for the Republic to make its files available, it can only be assumed that the reason for the change of venue resulted from the discussion of the members of the Bar Association of the District of Columbia when the grant from the Fund for the Republic was brought up for discussion. The discussion resulted in some very uncomplimentary statements being made by the members of the District of Columbia bar about both the Fund for the Republic and its proposed investigation. While the creation of the tax-exempt foundation to accept the funds was approved by the membership by a narrow margin, it might well have been the debate which caused the Fund for

## LINO REGAL—AB 94

the Republic to seek a court which would be more favorable to its cause. But this is merely supposition on the committee's part as the report and findings of the special group investigating passport procedures has issued no report.

In addition to the appropriations to investigate the loyalty-security program and to investigate passport procedures, the Fund for the Republic has appropriated additional funds to the New York Bar Association. On September 7, 1955, the Fund forwarded to Mr. Allen T. Klotz, Association of the Bar of the City of New York, Inc., \$15,000. This money was appropriated by the Fund to provide for the reimbursement of costs, including attorneys' fees, of respondents in security cases, primarily in private industry. On February 23, 1955, the Fund granted the association \$5,000. Fifty percent of this was earmarked to aid Puerto Ricans being tried on sedition cases.

The appropriation of funds to support individuals who were subject to loyalty-security charges or indictments related to sedition have not been limited by the two appropriations to the New York bar. That appropriations similar to these are clearly not within the intent of Congress as related to tax-exempt educational institutions there can be no doubt. But in addition to the above grants, the Fund on August 11, 1955, appropriated \$10,000 to the Toledo Bar Association. This money was designated by the Fund to be used for furnishing assistance in unpopular causes and cases, and to support legal referral work on security cases. The Volunteer Defenders Committee, Inc., Boston, Mass., was appropriated \$10,000 by the Fund. This money was appropriated to permit the VDC to hire a public-relations counselor, to prepare a booklet explaining the VDC and in addition to work on cases involving sedition.

The largest grant by the Fund with the resultant end effect of encouraging and rewarding an individual for refusing to give testimony against others is the appropriation of \$150,000 to the American Friends Service Committee. This appropriation was in addition to \$170,500 appropriated to the AFSC for studies relating to schools, desegregation and Indians. As this report set forth earlier, the committee is making no investigations into these areas and these appropriations shall not be dealt with in this report.

With respect to the \$150,000, which appropriation falls within the interest of the committee, the Three-Year Report of the Fund describes it merely as a grant "for the support of the right of conscience program of the American Friends Service Committee for the purpose of fair trial and adequate counsel." This language as quoted from the Three-Year Report can be intended only to deceive by leaving the impression of a relationship to religious beliefs. The Fund for the Republic knew the exact purpose for which the money was to be spent. An example of this taken directly from the proposal made to the Fund by the AFSC shows clearly that the money was appropriated not for the purpose as described in the Three-Year Report, but was for purposes not covered by such a description:

It is anticipated that the area of greatest need currently and in the immediate future lies in support of individual conscience against growing requirements of loyalty oaths and the heavy pressures, legal and otherwise, to inform on the activities and beliefs of one's friends. The right of the individual to refuse, on grounds of conscience, such demands of the state, is not clearly established in the law and practice of our Government. Many have suffered loss of employment, position, and respect because they obeyed conscience rather than the state. We believe that legal aid and support to such persons can strengthen freedom of conscience.

The above quote is lifted from the proposal of the AFSC submitted to the Fund on February 14, 1955. This program is clearly outside the nature of the activities in which the Congress intended tax-exempt organizations to engage. The committee suggests that the description for the program as set forth in the 3-year study was worded as it was to conceal the facts from Internal Revenue. We are of the opinion that the Fund refuses to make its files available to the committee because it desires to conceal the details of assistance which AFSC has rendered.

# LINO REGAL—AB 95

On May 26, 1955, the Fund wrote Lewis K. Hoskins, executive secretary of the AFSC:

I am pleased to tell you that the board of directors of the Fund for the Republic has authorized a grant of \$150,000 to the American Friends Service Committee for a 2-year program designated to strengthen the rights of freedom of conscience as outlined in the proposal submitted to us under date of February 14, 1955. Our check for this amount is enclosed.

We understand that this grant will be allocated approximately as follows: \$100,000 for legal fees and court costs, \$20,000 for assistance in cases of economic hardship, and \$30,000 for administrative costs.

It is interesting to compare the proposals as set forth in AFSC's document of February 14, 1955, and the language contained in the Fund's 3-year study. The program approved by the Fund for the Republic is described in the document of February 14, 1955:

*Method:* The American Friends Service Committee will endeavor to assist individuals whose rights and freedom of conscience have been placed in jeopardy by offering the services of competent legal counsel to represent the individual in court and the grant of funds to help meet legal costs. We believe it is important to support in practical ways those who have been denied full and free exercise of conscience. Encouragement to the individual to stand by the dictates of his conscience will also present opportunity, through the judicial branch of our Government, to secure interpretations of statutes and administrative regulations which infringe upon the constitutional guarantees of freedom of conscience as embodied in the first amendment to the Constitution of the United States.

Support of conscience against the demands of the state for military service continues to be of concern to Friends. During recent years the right of conscientious objectors to war and conscription have been spelled out somewhat more fully. Much remains to be accomplished in such areas as broadening the concept of religious beliefs as a basis for conscientious objectors, the right to counsel others to obey the higher moral law when it conflicts with that of the state; and the problem of repeated prosecutions arising out of continued conscientious objection to a particular demand of the state.

It is anticipated that the area of greatest need currently and in the immediate future lies in support of individual conscience against growing requirements of loyalty oaths and the heavy pressures, legal and otherwise, to inform on the activities and beliefs of one's friends. The right of the individual to refuse, on grounds of conscience, such demands of the state, is not clearly established in the law and practice of our Government. Many have suffered loss of employment, position, and respect because they obeyed conscience rather than the state. We believe that legal aid and support to such persons can strengthen freedom of conscience.

By September 30, 1955, only one expenditure had been made from the \$150,000 appropriation of the Fund for the Republic. This expenditure, in the amount of \$1,000, was paid to A. J. Muste, Provisional Defense Committee, New York City.

A. J. Muste, a Socialist, pacifist leader in the United States, is president of the Fellowship of Reconciliation. The expenditure is the initial contribution to the Provisional Defense Committee for the purpose of paying attorney's fees, court costs, and fines of 29 individuals who on June 15, 1955, gathered in City Hall Park in New York City and refused to take cover, as ordered, during a mock air raid drill. The 29 were arrested by city police and civil defense officials and charged with violation of the New York State Defense Emergency Act of 1951, which makes it a misdemeanor for unauthorized persons to refuse to take shelter during a civil defense drill. Conviction carries a penalty of up to 1 year in jail and/or not more than \$500 fine.

The appropriation by the American Friends Service Committee of \$1,000 to the Provisional Defense Committee was on the ground that the group arrested sought only to follow their conscience and remain in the park during the drill. The Provisional Defense Committee intends to carry the State Defense Emergency Act on a test of constitutionality to the Supreme Court of the United States itself. The \$1,000 appropriated to the Provisional Defense Committee was a preliminary amount decided upon by the American Friends Service Committee and it is indicated, on the evidence in the committee's possession, that this original appropriation commits them for further contributions to defray an estimated additional cost of \$53,000 to carry the case to the Supreme Court of the United States.

The committee has not sought review of the file of the American Friends Service Committee for the purpose of examining other expenditures made to date because of the position taken by the Ameri-

## LINO REGAL-AB 96

can Friends Service Committee in connection with the committee's request for documents subpoenaed in connection with its investigation of Mary Knowles. Confidential sources have advised the committee that in addition to the appropriation to the Provisional Defense Committee listed above, the AFSC has used this money for the purpose of rewarding or otherwise financially assisting individuals who have resigned or who have lost their employment as a result of refusing to testify in official proceedings about other individuals. This money has also been used to reward a California school official who resigned his position after another official of the school board was removed from his employment because of membership in certain organizations.

The committee is of the opinion that a detailed examination of the expenditures made to date would reflect among these expenditures appropriations of money to pay court costs and legal fees in behalf of Mary Knowles, who has been discussed earlier in this report.

In glowing terms the Fund describes a \$5,000 grant which it made to the American Friends Service Committee radio-tape program:

This grant assisted the AFSC with its recorded programs for rural radio stations and school systems. The annual budget is \$13,000, and the Fund's contribution was earmarked for a certain number of programs devoted to civil liberties.

The AFSC programs feature Edwin Randall, who is in charge of the Friend's radio division and has been broadcasting to rural and church audiences for many years. Mr. Randall usually interviews Americans and foreign notables, and comments on such topics as the need for international cooperation, constructive projects for underdeveloped areas, brotherhood, peace and freedom. These programs were requested by 283 stations for a total of more than 10,174 broadcasts. Some were sent to networks. Mr. Randall estimates that each broadcast (excluding network broadcasts) had an average audience of 25,000.

Thirty-nine universities and school boards have requested programs. Much of the material goes directly into the classrooms of both elementary and secondary schools.

From the glowing description given to this project by the Fund for the Republic, it would be assumed that the Fund for the Republic was interested in expending its money for a continuation or, in fact, a broadening of such a laudable service. However, after the American Friends Service Committee radio division had expended the \$5,000 and requested additional grants, the Fund refused the grants, expressing itself as basing its action on a feeling that it did not carry enough of the civil liberties theme. If the programs did not carry enough of the civil liberties theme to justify continuation of the grant, then, certainly, the Fund knew that it did not justify the original grant and it therefore becomes interesting to discover how the Fund interested itself in the program in the first place.

By memorandum dated April 21, 1955, Hallock Hoffman advised Robert Maynard Hutchins that, "I have encouraged AFSC to include more civil liberties material and let us pay some of their costs." Hoffman's memo concluded:

They cannot devote more than a part of their time to civil liberties. They will accept \$5,000 from us, and guarantee us a proportional time in the field of civil liberties and racial integration.

We ought to give them the money at once. I take it that we can do so from our present appropriation, but am ready to prepare a docket item if necessary.

It would then seem that Mr. Randall's inclusion of civil-liberties items did not meet the demands of the Fund for the Republic and, for that reason, it was canceled, the laudatory purposes of the program as established in the 3-year report to the contrary.

### STUDY OF COMMUNIST INFLUENCE IN MAJOR SEGMENTS OF UNITED STATES SOCIETY

One of the most difficult phases of the committee's investigation of the Fund for the Republic results in the conflict between what the directors of the Fund approved as a project of the Fund, and what the officers of the Fund claim they approved in official reports, speeches and other documents. The 3-year report of the Fund sets forth that the directors in November 1953 authorized a study of Communist influences in major segments of United States society. However, an examination of the minutes of the meeting of November 18, 1953, shows that it was not Communist influences which was the subject matter voted by the board of directors, but, rather, that the directors appropriated \$250,000 for a "Definitive History of Communism in the

## LINO REGAL—AB 97

United States." The 3-year report then goes on to say that in June 1954 it was suggested that the project might analyze Communist infiltration and indoctrination methods, together with an investigation of the methods used to resist them. The minutes of June 30, 1954, reflect that the board decided to modify the scope of the history of the Communist Party in the United States into smaller projects which would shed light on Communist Party activities in the United States. The board voted that the project should consider:

(a) Analysis of Communist espionage and (b) infiltration and indoctrination methods with emphasis on the study of infiltration of groups such as unions, teachers, etc., and the methods used by such groups to turn back Communist infiltration.

The 3-year report then reflects that Professor Clinton Rossiter of Cornell was appointed director of the project. The report acknowledged that under Mr. Rossiter's direction a group of scholars were to prepare a series of books on Communist influence, past and present, in the United States. The fields to be covered and the authors responsible for the research in each field were listed thereafter:

History of the Communist Party in the United States (1919-55): Theodore Draper  
Communism and Anti-Communism (1945-50): David A. Shannon, Teachers College, Columbia University  
Communism in the Labor Movement: Daniel Bell, Fortune  
Communism in Religion: Ralph L. Rex, Union Theological Seminary  
Communism in Government: Earl Browder, Amherst College  
Communism in Education: Robert F. Kennedy, Yale University  
Communism and Literature: Daniel Bell, Smith College  
Communism and the Mass Media: Moshe Decter  
Communism and the Social Structure: Nathan Glazer  
Communism and Opinion-Making Groups: John P. Roche, Haverford College

By press release dated January 31, 1955, the Fund announced that Donald D. Ebbert, professor of art and archeology at Princeton University, would undertake the study "of communism and American art." As the 3-year report issued in May 1956 fails to list communism and American art as one of the studies, it would appear that this study has been dropped. This was accomplished without notice on the part of the Fund for the Republic as to the discontinuance of this study. But the Fund, through its officers, only make public that which it elects to make public and even overrides the directors of the Fund in carrying out the officers' objectives. "We are not seeking espionage secrets nor are we in any sense competing with any legally constituted authority. We are scholars plying our trade, just as journalists or Senate investigators ply their trade, in the only way we know how to ply it: by following every source as far back as we can trace it," the 3-year study quotes Mr. Rossiter, the project director. This is a statement made by the director in light of the vote of the directors of the Fund for the Republic that the study should include "analysis of Communist espionage."

Earl Browder, former head of the Communist Party of the United States, is identified by the 3-year report of the Fund as a consultant. Browder, can be proved both by sworn testimony and by documentation to have been a leader of Soviet espionage activities both in the United States and in other countries of the world. He was convicted of applying for and receiving fraudulent passports. He has used many aliases in his position as a leader of the Communist Party of the United States. As a member of the Communist International, he was a leader of the international Communist movement. He was under an indictment for perjury at the time he was hired by the Fund, and has refused to testify before the Government of the United States, invoking his constitutional privileges. He was hired by Rossiter because:

We think we have done a real service to the American people in persuading Browder to talk to us. We would be derelict in our duty as citizens and scholars if we did not seek out and talk to every Communist or ex-Communist willing to give us information, opinion, or comment on events in which he has taken part.

Browder's actions and activities during his leadership of the Communist Party of the United States have been as sordid as the head of

## LINO REGAL—AB 98

Murder, Inc. Browder, when not under oath, has like the criminals appearing before the McClellan committee denied the evidence which has been built up against him. Yet under oath, he consistently invokes the fifth amendment. The Fund therefore selects Browder, who refuses to advise the Government of the nature of the Communist Party, as a source of information. On the other hand they selected Bentley, Budenz, Chambers, and Lautner, all whom have testified for the Government, and subjected their testimony to analysis in order to determine the truthfulness of their

The committee has devoted many hours to research into the background of the directors and the scholars of this Fund project. An examination of their writings points strongly to a majority as both possessors of a bias toward the subjects which they are allegedly objectively investigating, and incompetent because of the bias to accurately portray factual data which tends to contradict their bias.

Prof. Clinton L. Rossiter, project director, shares with Prof. Robert E. Cushman, Fund consultant on fellowships and grants in aid, the freshman course in American government at Cornell University. Rossiter and the Fund for the Republic pledged their impartiality by claiming that they are scholars plying their trade just as journalists or congressional investigators ply their trade. Yet even before they have an opportunity to examine the evidence, as it applies to the broad field or to the defined fields, Rossiter discounts the Communist record as reflected by the investigations of congressional committees. "With due respect to the vast amount of information and opinion that congressional committees have dug up and spread upon the record," Rossiter revealed publicly his unsupported facts. These facts which are challenged by any objective study of the entire congressional record includes:

The record is often narrow and injudicious; it is an accepted fact that many of the hearings were conducted with an eye toward public opinion and the next election.

Parts of the record are untrustworthy; much of the testimony, both friendly and unfriendly, is at best suspicious, at worst, perjured.

I assume that it is Earl Browder who supplies to Mr. Rossiter the evidence which permits him to make the above-quoted findings with respect to the Communist record as reflected by the files and reports of congressional committees. Of course, Mr. Rossiter makes a distinction between what he calls facts and what he considers to be criticism. After making the finding of fact reported above, he is quoted saying:

I would make it clear that the existence of this project is in no sense a judgment, favorable or unfavorable, on the many public investigations of communism.

Mr. Rossiter's objectivity is demonstrated by one of the recommendations which is contained in his book "Conservatism in America." Written as the result of Rossiter's quest for understanding of American conservatism, Rossiter, after creating a new conservative in his own image and likeness, suggests that one of the methods by which his new conservative can strengthen America is "by supporting conservative organizations for the defense of civil liberty like the Fund for the Republic." The committee would be interested in learning the extent of Mr. Rossiter's investigation of the Fund for the Republic, which permits him to classify it as a conservative organization. It could well be that in his opinion the mere fact that he was one of a group responsible for recommending much of the Fund's program made the Fund per se conservative. As early as 1953, Mr. Rossiter tells us: "I was 1 of the 5 professors asked to sit down, at Princeton and later at Harvard, to think of various areas in American ideals and institutions not adequately treated in books."

Rossiter, in his book, ridicules what he finds to be the conservative belief of divine law and finds "the mortar that holds together the mosaic of conservatism is religious feeling." He lumps together as ultraconservatives whose actions are at times "so harsh and malevolent as to be fellow travelers of fascism" men like Allen Zoll, Senator Bricker, Congressman Gwinn, George Sokolsky, and the Reverend James W. Fild. In part Rossiter wrote of these people:



## LINO REGAL—AB 99

These people are represented in the Senate by John Bricker and George Malone, in the House by Ralph Gwinn and Noah Mason, in the daily press by the Chicago Tribune and the Hearst papers, among periodicals like the Freeman and the American Mercury, on the radio by George Sokolsky and Fulton Lewis, Jr., among book publishers by Devin-Adair and the Caxton Printers Co., in the pulpit by Rev. James W. Efield and Rabbi Benjamin Schultz, and in the field of "public education" by the Committee for Constitutional Government and the American Enterprise Association. Take T. E. Henn as their Milton, H. L. Hunt their Maecenas, Vivien Kellam their Diane, Dean Acheson and Thomas E. Dewey their hated Lucifers, Senator McCarthy their slightly varnished Galahad, William F. Buckley, Jr. their favorite Yale man, Douglas MacArthur the man they wish were President of the United States.

Rossiter takes the opportunity in his book to endorse Richard Hofstadter's, "A Pseudo-Conservative Revolt," which was distributed by the Fund for the Republic and which was selected for distribution by Rossiter's colleague, Robert E. Cushman. Tying together Allen Zoll, H. L. Hunt, and Rabbi Benjamin Schultz, Rossiter sneers without hesitation:

Indeed, it is men like Zoll and Hunt and Schultz, a small but ear-splitting fraction of the American people, who are providing "the dynamic of dissent" in America today. Their brand of dissent, Richard Hofstadter remarks, is not as powerful as the liberal dissent of the New Deal era, but it is powerful enough to set the tone of our political life and to establish throughout the country a kind of punitive reaction \* \* \* It can most accurately be called pseudo-conservative \* \* \* because its exponents although they believe themselves to be conservatives and usually employ the rhetoric of conservatism, show signs of a serious and restless dissatisfaction with American life, traditions, and institutions.

The board of directors of the Fund for the Republic voted that the study which Rossiter directs would concern itself with the analysis of Communist espionage; the infiltration and indoctrination methods of the Communist Party and its members in the fields set forth in the Rossiter study; and the methods used by the group infiltrated by the Communists to turn back Communist infiltration. But Mr. Rossiter tells us that he hopes that his study will:

reduce sharply some of the notorious confusion about the influence of communism that now plagues public policies, political debate, and intellectual purpose in this country.

One of the fields under Rossiter is communism in education. "Education and the Conservative" was also the subject of Rossiter's book, Conservatism in America. This book, written by Rossiter while he was a consultant to the Fund for the Republic, and after his appointment as director of the communism project, demonstrates his objectivity:

A lively concern for education is already evident among American conservatives. The "solid and respectable" men of the right sit in control of most of the Nation's school boards, the angry men of the right whose zeal makes them seem more numerous and patriotic than they really are, press upon them relentlessly in the interest of orthodoxy and indoctrination. The first of these "rights," in the person of men like Frank Abrams and Irving Olds, seems genuinely concerned about colleges and anxious to help them maintain both freedom and solvency; the second, in the person of men like William F. Buckley, Jr. and J. B. Matthews, seems to have declared open war on the methods and traditions of our best colleges. The influence of conservatism on American education is certain to be greater in the years ahead, and again the question comes, what kind of conservatism is it going to be?

The answer depends largely on the wisdom and resolution of the new conservatism. Its leaders must represent the interest of the whole community on controlling boards and refuse to succumb to the pressures of organized minorities.

The committee assumes from this quote that Rossiter rejects the American people's right to freedom—freedom of parents and of their student heirs to be instructed by people possessing intellectual honesty—but advocates the freedom of the member of the Communist Party to teach our American students. Then what type of objectivity will this study produce?



## LINO REGAL—AB 100

The Congress and the American people have a long wait in order to determine the objectivity of the end products of this project. One book has been published, the Roots of American Communism by Theodore Draper. This book, which relates solely to the Communist activities prior to 1921, is based mainly on factual material listed as an appendage to the book, with the exception of Draper's treatment of the 1917 Russian Revolution. There has never been any controversy surrounding the events and happenings upon which the book is based with the exception of the 1917 revolution. This book was close to completion when he was hired by Rossiter to work on the project. The noncontroversial nature of the book was probably the reason why Rossiter violated his own rule with respect to project authors in order to hire Draper. Point 6 of Professor Rossiter's 7-point qualification of all authors was "that he be unscarred, although not unmoved and untutored, by any brushes he may have had with communism." Draper's book, like many end products of the Fund for which it has spent over \$2 million of tax-exempt money, was published at a cost of \$6.75 per issue. The book jacket states that Mr. Draper "was active in the (Communist) movement as a young student in the early 1930's and served for a time on the staffs of the Daily Worker, the New Masses (Communist publications) and the Tass News Agency (official Soviet press)." He "broke with the movement entirely, in the early days of World War II" so it is claimed by the publisher. In waiting for the end-product of the other studies under Rossiter's project, certain information has come into the committee's possession to confirm the charge of bias which the committee makes against certain of the authors. According to the listing, John P. Roche will be the author of a book Communism and Opinion-Making Groups. In 1949, one of a dozen members of the faculty at Cornell had petitioned the executive council, American Federation of Teachers, to revoke the charter of Local 608, American Federation of Teachers. Among the charges made against Local 608 was:

The local leadership has become so enmeshed in Stalinist-oriented organizations and has so consistently presented this position at meetings that the local has become identified with the Stalinist point of view to most campus liberals. \* \* \*

Roche, writing on the subject of congressional investigations of communism, stated that the committees have "successfully made a mountain out of a dunghill." Roche may honestly feel that he is better equipped to investigate communism than are congressional committees. He may also feel that he has the right to call union leaders Stalinists because he classifies himself as a liberal, but is not willing to give to any other American the right to call a teacher a Communist when the evidence supports the fact that the teacher is a Communist.

Several hundred organizations have been cited by congressional committees and the Attorney General of the United States as Communist-front organizations. Within these organizations we find the Civil Rights Congress, which was controlled by the legal division of the Communist Party, even though the Communist Party was not publicly identified with the organization. We find also the American Committee for the Protection of Foreign Born, which was controlled by the nationality commission of the Communist Party. We find organizations that have raised millions of dollars such as the Joint Anti-Fascist Refugee Committee. Mr. Roche, however, has advised that his study of communism and opinion-making groups is restricted to a study of only two groups. These he has identified as the Southern Conference for Human Welfare and the American Veterans Committee. A study on the Southern Conference for Human Welfare was conducted for Roche by Kenneth Donly of the Chicago American Civil Liberties Union. Among the leadership of the Southern Conference for Human Welfare were many individuals who now comprise the leadership of the Southern Regional Council to whom the Fund for the Republic has appropriated nearly \$500,000. The ACLU is on record as rejecting the findings of the Committee on Un-American Activities that the Southern Conference for Human Welfare was a Communist-front organization. As it was out of existence prior to the issuance of the Attorney General's list in 1947, it has not been listed by the Attorney General.

## LINO REGAL—AB 101

As a veterans' organization following World War II, the Communist Party, through its members, played a major role in the formation of the American Veterans Committee and Communist Party members were represented in large numbers among its officers and directors. John Gates, editor of the Daily Worker, who was convicted under the Smith Act, and who recently resigned after the Daily Worker was discontinued, was a member of its national board. It soon became evident to the non-Communist membership of the American Veterans Committee that if the organization was to survive it would be necessary to rid itself of the Communist infiltration. Gates was expelled, along with other officials. Even entire local chapters were expelled when AVC was unable to remove the chapters' Communist leadership. The AVC successfully removed this Communist leadership and became an impotent organization thereafter. The AVC was never cited by either the Committee on Un-American Activities or the Attorney General of the United States as a front organization.

The committee predicts that the end product by Mr. Roché will attempt to testify that the Southern Conference for Welfare was never under Communist control to the extent where a classification of it as a Communist-front organization was justified, and that the American Veterans Committee, while infiltrated at the start, has completely rid itself of the Communist domination and should therefore become a major veterans' organization. If it were not for a few large contributions which it receives each year from the Rockefellers and from the Marshall Foundation, the AVC would not now be in existence. It has been suggested to the committee that financial assistance to the AVC was behind the recommendation made to the board of directors of the Fund, on September 15, 1955, for a grant of \$150,000 to the AVC to enable it to "provide legal service for armed forces security cases." Direct awards, such as the payment of court costs and legal fees for defendants in security cases, were not intended by the Congress as an authorized activity of an educational foundation. The committee is unable to report the objective facts relating to the accomplishments under this program because the Fund for the Republic refuses to make its records available to the committee. The only knowledge possessed by the committee of actions by the board of directors was the action which the board took on September 15, 1955, namely, in appointing an ad hoc committee of directors with power to appropriate to the AVC either the \$250,000 which AVC requested or the \$150,000 recommended by Fund officers. The committee possesses no knowledge of expenditures by the Fund or the AVC under this recommended grant.

With respect to the objectivity of the overall project, it is known that William M. Goldsmith, assistant director to Rossiter on the project, was on the staff of the Foundation for World Government prior to his appointment as an assistant to Rossiter. The committee is unable to see how Goldsmith, an advocate of world government, could objectively direct a project designed to expose the treachery of international communism when he was advocating an acceptance of international communism on an equal footing with the free countries of the world.

Another item relating to the objectivity of the project revolves itself around the American Committee for Cultural Freedom and its former staff director, Sol Stein. The Fund had consistently rejected every request for grants made to it by the American Committee for Cultural Freedom. Yet it did engage Sol Stein in 1954 as a consultant to Rossiter in his Communist influence project. On October 16, 1954, Clinton Rossiter wrote a memo to the secretary of the Fund for the Republic:

Don't blow your stack when you read this but please write a check for Sol Stein. Actually he did considerable more than 2 full days' work on this project even though I did not accept his advice in 9 cases out of 10.

Nearly \$300,000 was appropriated by the Fund for this project at last count, in early 1957. In all likelihood, the completed project will cost the Fund for the Republic nearly \$1 million.

# LINO REGAL—AB 102

## GOVERNMENT WITNESS PROJECT

The 3-year study of the Fund for the Republic lists a grant of \$25,000 to the Stanford University Law School for the purpose of analyzing:

The testimony given by a limited number of witnesses in congressional hearings and in legal trials and proceedings has to some extent affected the general understanding of communism in the United States. Stanford Law School was given a grant to undertake an analysis of this testimony. This study was begun in the fall of 1955 by Prof. Herbert D. Packer of the Stanford Law School.

At present Mr. Packer is collecting the testimony of witnesses, records of legislative hearings, administrative proceedings in judicial trials in Washington and elsewhere. Close textual analysis of this testimony has also begun.

Stanford University in a "Report and Proposal by the Dean to the Alumni," Stanford University School of Law, September 1957, we find the following description of the project described by the Fund for the Republic:

This project, financed by a grant from the Fund for the Republic, has been underway since January 1956. It is being conducted by Prof. Herbert Packer with the help of a full-time research assistant, Miss Cecile Murphy, and a part-time staff consisting of law and graduate students. From the outset of the study Mr. Packer has had the counsel of a group of his colleagues, including Professors Hurlbut, McDonough, Neal, Shepherd, Smith, and Thurman.

The subject of study is the testimony of four former members of the Communist Party—Elizabeth Bentley, Louis Budenz, Whittaker Chambers, and John Lautner—in proceedings relating to the issue of communism in the United States. These proceedings include congressional investigations, hearings before administrative agencies (such as the Subversive Activities Control Board) and trials (such as the Smith Act prosecutions) in which the principal issues have been the nature and extent of Communist activity in the United States, and the part played by various individuals and groups in that activity.

The purpose of the project is to bring together and to synthesize the testimony referred to and thereby, it is hoped, to make a contribution to the systematic study and public understanding of Communist penetration in the United States. The study has its genesis in the diversity of witnesses, of subject matters testified to, and of occasions on which testimony has been given. This diversity has two opposing tendencies. One is the strengthening of particular testimony through corroboration by others. The other is the weakening of particular testimony through contradictions by others, through inconsistencies, and through gaps. The study is concerned with these twin results of diversity. It has, of course, no preconception about either. The study is not concerned with whether or not on any particular occasion a witness was telling the truth. Rather, it seeks to mark out those areas where the testimony of a given ex-Communist witness stands corroborated or uncontradicted, either by himself or by others, from those areas where on the face of the record inconsistencies or gaps in the testimony exist.

In pursuing this objective, Mr. Packer and his staff have collected the transcripts (either in the original or on microfilm) of all public proceedings in which the four witnesses named above (the "primary witnesses") have participated. They have constructed an indexing system for reducing this massive body of testimony to manageable proportions and have used this system to analyze the testimony of the primary witnesses as well as the testimony of others ("secondary witnesses") bearing on the matters testified to by the primary witnesses.

Mr. Packer is not engaged in preparing a report embodying the results of the study. At the same time, Mr. Packer's associates are preparing, under his direction, an index-digest of the testimony under study, based on the index system referred to above. It is anticipated that this index-digest may be of substantial use to scholars working on various aspects of the problem of Communist activity in the United States. The index-digest will, it is expected, be made available either through publication in conjunction with Mr. Packer's report or by other means. The substantial body of otherwise unobtainable material which has been amassed in the course of the study will be deposited in an appropriate place where it can be available to scholars who wish to use it.

It is expected that the project will be completed, except for editorial details connected with publication, by December 31, 1957.

The Three-Year Report of the Fund and the report of the president of the Stanford Law School allegedly reflect the interest of both the Fund and the school in this project. Both fail to give the American people the full story. The full story will not be told until the results of the study are published, however, the conflict between what is now claimed as the purpose as originally outlined, points up the suspicions which have been voiced of the projects since its inception.

It had been charged that the Fund for the Republic would select certain former Communists who have testified before congressional committees, executive agencies, and Federal courts, who were most vulnerable because of the conflict in their testimony and writings, both during and following their membership in the Communist Party. It was suspected and charged that witnesses such as Elizabeth Bentley and Whittaker Chambers would be selected because of their

## LINO REGAL—AB 103

knowledge of Soviet espionage and the difficulty of obtaining collateral information to support this testimony. The factuality of these charges although only based suspicions struck a sore spot in the makeup of President Hutchins who commented upon the charges in a speech:

The Stanford University Law School has received a grant to make an objective analysis and critical summary of the testimony of the principal witnesses in the most important Communist trials.

The professors who direct the studies have complete freedom. They are given the money and asked to recruit their own staffs and work out their projects in their own way. If you want to complain of what they do, you have to argue that they are incompetent or that they are crooked. Nobody has suggested that they are incompetent. But it has been insinuated that in return for money from the Fund they will oblige by digging up facts to support any prejudice that any officer or director of the Fund may have. This insinuation is so outrageous that it must arise out of acute alarm on the part of those who make it. What are they afraid of? I can only conclude that they are afraid of the truth.<sup>ss</sup>

<sup>ss</sup> The Bill of Rights Award, American Veterans Committee, October 7, 1955, Washington, D. C.

In comparing the public purpose of the project it is evident that those whom Hutchins condemned were not afraid of the truth, but the lack thereof.

The Fund for the Republic had been negotiating with Carl B. Spaeth, dean of law, Stanford University, for some time prior to the Fund's forwarding the school the \$25,000 check in August 1955. This is verified by a letter in the committee's possession dated July 1, 1955 from Carl B. Spaeth to Robert M. Hutchins. From this "Dear Bob" letter, Herbert Packer, who at that time was associated with a law firm in Washington, D. C., was designated to handle this project. Packer, who had assisted Adam Yarmolinsky in the preparation of the case studies in personnel security, which this report has previously discussed was to be offered an associate professorship at Stanford University in connection with his work on this project. The letter, after indicating that the comments of Charles Corker who had assisted on the Fund's Communist record project, had been obtained, reads:

The memorandum makes clear that we agree with Millis [Fund consultant on security] that this is a big undertaking. We do not agree with Rovere [Fund consultant, and author "The Kept Witnesses"], who believes that the job could be done by a "well-directed research team, probably comprised largely of law students, in 3 months." If the project begins later this summer, we believe that it could be completed by September 1956.

The memorandum referred to in the above quote is entitled "Faculty Committee on Fund for the Republic Project" and identifies itself as being prepared following suggestions that the Fund for the Republic initiate and finance an analysis of the testimony of key witnesses in proceedings relating to Communist activities in the United States. It is evident from a reading of the memorandum of the faculty committee that at the time of its preparation, while probably capable professors of law, were incompetent scholars of communism in the United States.

The faculty committee was apparently unaware of the vast quantity of documentary material which has been collected by the free countries of the world and used for the purpose of establishing the nature of the Communist conspiracy. The faculty committee were of the belief that the knowledge of the conspiracy rested in the testimony of former Communists. In this connection, the first part of their report reads:

The concept of a Communist conspiracy in the United States which has been so dominant a feature of recent political history, rests in substantial part on evidence provided in various contexts by such former bona fide members of the Communist movement as Elizabeth Bentley, Louis Budenz, and Whittaker Chambers, and by such "undercover agents" as Steve Nelson and Herbert Philbrick. The evidence supplied by these persons has taken the form of testimony in court cases, testimony before congressional committees and administrative agencies, books, speeches, and other more or less formal statements. While

## LINO REGAL—AB 104

various segments of this material have been intensively analyzed in special contexts, there has never been a sustained and vigorous analysis of the sum total of this material. Indeed, the material has never been collected in one place.

The purpose of assembling a collection of this material would be to examine the total body of evidence for (a) internal consistency in the testimony of particular individuals; (b) consistency as between one such individual and another; and (c) to what other extent is practicable, verifiability of such statements by external evidence.

The committee further questions the competence of the faculty committee in classifying Steve Nelson as an "undercover agent." Nelson, who entered the United States illegally as a child, has been an officer of the Communist Party for longer than 20 years. He was active in espionage on the west coast during World War II and has been convicted under the Smith Act and Pennsylvania Syndicalism Statute, both convictions having been reversed.

It is evident that between the drafting of the faculty memoranda in 1955 and the dean of law's report of September 1957, the decision was reached to eliminate from the study undercover agents of the Federal Bureau of Investigation and restrict the study solely to those classified by the faculty committee as "bona fide" Communists. Elizabeth Bentley, Louis Budenz, and Whittaker Chambers were the former "bona fide" Communists originally selected for analysis under the project. John Lautner was substituted when it was discovered that Steve Nelson did not meet the original "undercover" classification. Herbert Philbrick was apparently dropped when they could not find sufficient data to question his reliability.

The fund faculty committee and the dean of law all claimed that the examining of the four individuals listed will contribute to the "systematic study and public understanding of Communist penetration in the United States." We are unable to understand how the study proposes to do such a thing when the witnesses selected possess no knowledge of so many phases of the Communist conspiracy as it relates to the United States.

None of the individuals selected were affiliated with the Cominform from which we learned much of the control exercised over the Communist Party of the United States by the Communist Party of the Soviet Union. None of the witnesses selected are among the several hundred American Communists selected by the leadership of the Communist Party of the United States for training at Moscow University or the Lenin Institute in such Communist techniques as sabotage, espionage, etc. None of the individuals selected were affiliated with any of the professional sections of the Communist Party of the United States and possessed no direct knowledge of the operations of professional units with the exception of what Bentley or Chambers might have learned of the operations of professional people who were separated from the party and in most instances, assigned to work in espionage operations. John Lautner, as an official of the Communist Party, would have knowledge relating to the existence of professional sections and the procedure of operations within these sections, but would possess no detailed knowledge of their actual day-to-day workings or the identity of the membership. Louis Budenz's knowledge of the Communist Party during the period of time that he was in an editorial capacity with the Communist Daily Worker was wide and varied, but much of his knowledge came to him in connection with this position. The manner in which Budenz has received his information had made him vulnerable to cross-examination as has been demonstrated in almost every proceeding in which he has appeared as a witness for the Government.

Communists in Government is an area which cannot be covered by the witnesses selected for examination. Bentley's and Chambers' knowledge of Government related to espionage. Their testimony has been challenged and even denied in certain instances before the courts and before congressional committees. An illustration of this was very evident during the time of Elizabeth Bentley's testimony and was made evident through the testimony of witnesses such as Duncan Lee. Bentley identified Duncan Lee as a member of an espionage group from whom she had received information. Duncan Lee denied that he had given Elizabeth Bentley information but did admit to meeting her on park benches, at drug store counters, etc. Lee attempted to discredit Elizabeth Bentley's identification of him as a supplier of confidential

## LINO REGAL—AB 105

Government documents by classifying her as a frustrated woman who was seeking him out not in the interest of espionage, but in the interest of a subject related to the birds and the bees. It is impossible to determine the concept of a Communist conspiracy in the United States from a mere examination of the testimony given by these four witnesses.

Dean Spaeth, in his September 1957 status report, states that the diversity of the witnesses, both as to subject matter testified to and of occasions on which their testimony was given, provides for the study, of two tendencies:

One is the strengthening of the particular testimony through collaboration by others. The other is the weakening of the particular testimony through contradiction by others, through inconsistencies and through gaps. The study is concerned with these twin results of diversity. It has, of course, no preconception about either.

The Fund for the Republic on May 31, 1956, reported that the actual analysis of the testimony of the witnesses had begun. Yet by January 1958, the results of the study were not public.

As to the claim that the study was commenced without preconception, the 1955 memorandum of the faculty committee questions even the accuracy of the claim. The faculty committee memorandum sets forth that the analysis would serve the following purposes:

- (a) It would assemble in useful form a mass of related material in an area significant to the Fund's field of interest.
- (b) It would permit an objective analysis of the reliability of a significant group of "Government witnesses."
- (c) It would provide a critical summary of an important part of the detailed evidence upon which conclusions about the nature and extent of Communist penetration must be based.

When we consider that over 200 important former functionaries of the Communist Party have testified either before congressional committees, the Subversive Activities Control Board, Federal courts in Communist cases, and that these witnesses include the former leaders of the Communist Party of the United States, the "scope of the study," as set forth by the faculty committee, is enlightening:

It is proposed to concentrate on the testimony of no more than three key witnesses, in order to assure as exhaustive a study as possible within the limits of the available time and manpower. Tentatively, the suggestion is to analyze the testimony of Elizabeth Bentley and Louis Budenz, as representative of former "bona fide" Communists, and of Herbert Philbrick as representative of the testimony of "FBI Communists." If time permits the study could be expanded to include others.

In the cases of Bentley and Budenz, the study would include speeches, writings, etc., to the extent available, predating the period during which these three individuals appeared as Government witnesses. This material, dating from a point in time near the events described in subsequent testimony, would afford an interesting basis for comparison with the substance of later testimony.

Analysis of the testimony would consider, among other things, the varying conditions of solemnity and varying opportunities for cross-examination under which the testimony was given.

The study would not be primarily concerned with expressions by the witnesses as to ultimate questions of judgment, such as the extent of Communist penetration, since it is difficult to verify or disprove such statements. Instead, it would concentrate on assertions of fact as to names, dates, and events. The typical question would not be: "Was Budenz right about the extent of Communist penetration of trade union movement?" But, "does other evidence, including his own, tend to confirm or deny an assertion by Budenz that A, a trade union leader, was a part of the Communist apparatus?"

The study would be inclined to material available as a matter of public record. This seems desirable for at least two reasons:

## LINO REGAL—AB 106

(a) As a practical matter, it is impossible to obtain access, to any but the most fragmentary and unreliable form, to statements given in confidence, such as interrogations by the FBI; and (b) a study which made use of such fragmentary material of a confidential nature as happened to be available would be open to severe and invited criticism for presenting a distorted picture while an analysis based on the public record alone, while admittedly incomplete, would contain everything an intelligent citizen would have before him in making up his mind about the reliability of the witnesses analyzed.

Litigation of material analyzed to matters of public record eliminate loyalty security proceedings, except such rare instances as the Oppenheimer case. Present indications, based on data compiled so far in the Yarmolinsky project, are that the testimony of informants in general, and especially well-known "professionals" such as Bentley and Budenz, is not a significant factor in administrative proceedings concerned with the loyalty or security of Government employees, or others who fell within such programs.

Finally the faculty committee memorandum deals with why the project should be under the sponsorship of the Stanford Law School rather than a project of the Fund for the Republic itself. In this regard, the memorandum summarizes its position as follows:

In summary, from the Fund's viewpoint and from the viewpoint of Stanford Law School, it would seem desirable, if the grant is made for the school rather than the Fund to direct and control the project. Concomitantly, decisions as to the form of the report and its publication would be in the hands of the school and the faculty members would direct the project. It should be understood, however, that publication is the primary objective of the study and if the project can be executed substantially along the lines planned its results will be made generally available regardless of this significance in the eyes of those conducting it. If the study is well-conceived, as we believe it is, its value as a school-only contribution will lie in making the materials accessible to a wide group of scholars and citizens and will not depend upon the conclusions which are or can be drawn from the materials.

In light of the faculty memorandum, the Fund and Dean Spaeth publicly advise that the project was started without preconception. Yet, Dean Spaeth points to the only outcomes of the study; either they establish the reliability or unreliability of the four selected for analysis. In light of the restrictive outcome of the study, it is interesting that it was proposed to obtain material "dating from a point in time near the events described in subsequent testimony." This according to the faculty committee "would afford an interesting basis for comparison with the substance of later testimony." The phrase "interesting basis for comparison" is a strange phrase to use for a study which is free of preconception.

Lack of preconception is difficult to perceive in the light of the fact that the study would not, according to the faculty committee concern itself with the "extent of Communist penetration of the trade union movement" as testified by Budenz, but would rather concern itself solely with whether his assertion "that A, a trade union leader, was a part of the Communist apparatus." In spite of this rather frank admission that the study would only be interested in the reliability of identifications of individuals, we are lulled into a belief that the Fund was attempting to establish to what extent this testimony has affected "the general understanding of communism in the United States." Or rather, that which the faculty committee asked us to believe; namely, that they were attempting to establish that the "conception of a Communist conspiracy in the United States \* \* \* rests in substantial part on evidence provided in various contexts" by and including those whose testimony were selected for study. Or rather still, that which Dean Spaeth asked us to believe; namely, that they were attempting to establish "an understanding of Communist penetration."



## LINO REGAL—AB 107

The documents set forth above, document that the study was not conceived without preconception. The tax-exempt money appropriated by the Fund constitutes a nonobjective, noneducational expenditure for the purpose of engaging in a propaganda activity, and is therefore expended in clear violation of the law. The responsibility is not lessened by the reasons which the faculty committee set forth as to why the project should be one of the Stanford Law School rather than a project of the Fund. In fact this strengthens the reason for its disallowance.

The School of Law, Stanford University, also received an appropriation from the Fund for the Republic of \$5,000 to conduct an examination of the phase of the administration of the Nation's security program. While the committee has not analyzed the end product, the preliminary negotiations between the Fund and the school are of interest as an understanding of how the Fund for the Republic issues its grants. A reading of the official reports and releases of the Fund for the Republic indicates that the Fund does not initiate the studies for which the grants are subsequently made. According to Fund publications, a scholar or a school, independently decides on the subject matter of investigation and in the absence of money requests a grant from the Fund. This grant is to make possible a study which was originally conceived by either the scholar or the university.

The background of the grant now being discussed is reflected in a memorandum dated March 31, 1955, from Del Fuller, Stanford University Law Review, to Dean of Law Carl B. Spaeth. This memo reflects that George Overton, identified as counsel for the Fund, advised him that the Fund was contemplating awards to enable law reviews to undertake research projects on either of two subjects. According to Fuller, the subjects were "The Protection of Civil Liberties" and "The Administration of the Nation's Security Programs." The Fund for the Republic was thereafter advised that the Stanford Law Review would be interested in making one of three studies:

1. A study of racial or religious discrimination in California public-school systems
2. A study of the impact of security regulations on the hiring and firing policies of private industry—the electronics industry (San Francisco peninsula area).
3. A study of local bail-bond systems

These areas of interest were then turned over to George Overton who forwarded them to the Fund office in New York. Dave Freeman wrote Dean Spaeth:

George Overton has passed along to us the interoffice memorandum from Del Fuller relating to the Stanford Law Review project. Bob Hutchins, Ping Ferry, and I have all looked over the three suggested summer study topics, and we are in favor of your pursuing this matter further. If we were to make the decision between the three studies, we would probably vote for No. 2; both of the others would also be of interest to us. \* \* \*

Should you and Mr. Fuller decide that project No. 2 is the one you would like to undertake, you may want to talk to Hallock Hoffman in our west coast office. As you know, we have various projects cooking in the security area and some of these might provide useful material or contacts for your researchers.

The electronics industry in California was still as of March 1955 pretty much under the Communist-dominated United Electrical, Radio and Machine Workers which had been expelled from the CIO in 1949 because of its subservience to communism. However, as we shall see from the Fuller interoffice memorandum, this Communist domination was of no concern to the study, as an effect on national security. The only points of interest to the school in its study of the administration of the Nation's security programs were:

- (1) To what extent do security regulations explicitly block the hiring of people who would otherwise be acceptable employees?
- (2) To what extent do personnel directors anticipate security clearance problems and, in order to avoid clearance problems, impose a more rigorous standard of acceptability than do the regulations?

# LINO REGAL—AB 108

(3) Should there be a mechanism by which the individuals can clear themselves before applying for a job?

In short, security regulations may explicitly block out certain groups of people, while the shadow of regulations may block out others.

## INFLUENCE OF LEGISLATION

By September 1956, the committee had exposed the deceitful conduct of the Fund for the Republic as it related to its project of alleged blacklisting in the entertainment industry and its award to the Plymouth Monthly Meeting re Mary Knowles. With the completion of the hearings, the Fund for the Republic stepped up its campaign to discredit the committee. Part of this attempt to discredit encompassed the laying of a motivation for the hearings and investigation by the committee, at the feet of the committee chairman. Fund propagandist Joseph Lyford, writing in the August 27 issue of the New Republic, laid this background in an article "Fund—Americanism Among the Quakers." Dealing with the committee's hearings in connection with the Plymouth Monthly Meeting award by the Fund for the Republic, Lyford stated as a matter of fact that there was little mystery about Walter's purpose in Philadelphia. Lyford charged that the hearings were another round "in a campaign to discredit the Fund for the Republic". The background of the campaign is quoted by Lyford as follows:

Months previously Walter had revealed the sources of his antagonism to the Fund in some curious conversations with several of its directors: he was under the mistaken impression that the Fund was lobbying for repeal of the McCarran-Walter Immigration Act. Repeated denials by Fund officials failed to shake the Congressman's misapprehension or deter him from issuing press releases questioning the loyalty and integrity of the Foundation [Fund].

No press release or statement by the committee has ever questioned the loyalty and integrity of the Fund which the committee considers to be the directors of the Fund. Any statement issued by the committee reflects upon the conduct of the officers of the Fund such as Joseph Lyford, the author of this article. Whether the officers' blind disregard for the security of the United States tends to question their loyalty only the officers themselves can state. As to their integrity, we feel that the projects analyzed previously in this report and the entire report itself substantiates the fact that they do not possess integrity.

In the September 1956 bulletin of the Fund for the Republic, prepared, printed, and distributed by tax-exempt money, the Fund continued the propaganda started by Lyford in his article in the New Republic. In this bulletin titled "Congressman Walter Investigates," we find this language:

Bethel M. Webster, counsel for the Fund, at once made efforts to see Mr. Walter, but was unable to obtain an appointment until March 5, 3 1/2 months later. When Mr. Walter finally agreed to see the Fund's counsel, his main concern seemed to be to find out whether the Fund had been financing attacks upon the McCarran-Walter Immigration Act, of which he was cosponsor. (It had not been.) Since he gave no other explanation for the inquiry, Mr. Walter left counsel under the impression that his sensitivity in the matter of this controversial measure was the main reason for his hostility to the Fund.

To support its allegation that it had not been engaged in activities related to repeal of the Walter-McCarran Immigration Act, the Fund had prepared a memorandum dated May 16, 1956, which it submitted to the committee. This memorandum detailed appropriations made by the Fund for the Republic dealing with the subject matter of immigration and naturalization. The memorandum reported that among appropriations made for studies of this subject, the Fund on July 30, 1954, appropriated \$15,000 to the Common Council for American Unity "to support during a 9-month period the expansion of the council's work in protecting the legal rights of aliens." Also, that the Fund on May 19, 1955, appropriated \$32,500 to the common council "to enable the council to assemble and describe a large number of case histories of aliens in this country, with a view to assisting in the understanding of the operation of laws affecting aliens and immigrants."

This representation by the Fund for the Republic is typical of its operation. Rather than supplying to the committee the complete documentation possessed by the Fund covering these appropriations, they selected only that which purports to be a justification of their

## LINO REGAL—AB 109

claim. If they had presented to the committee the requests for grants made by the Common Council for American Unity, they would have forwarded to the committee, among other documents, a letter dated April 29, 1955. The committee would then have been apprised that the end use of the product financed by nearly \$50,000 of the Fund for the Republic money was clearly intended to influence legislation:

The facts assembled, and the conclusions to be drawn from them, would be made available as widely as possible in the form of a book or report, pamphlets, and special articles. It seems only fair to expect that they would prove an important influence in educating public opinion, in obtaining amendments to existing law, in effecting changes in its administration. \* \* [Emphasis supplied.]

In light of the quote from the request for grants, let's examine again the statement made by the Fund for the Republic in its bulletin of September 15, 1956, and the factual declaration "it had not been". Let's also examine the end use of the product financed by the Fund for the Republic in light of the statement which appears in the Fund's bulletin of January 1957, "The Fund does not attempt to influence legislation."

The end product, the book entitled "The Alien and the Immigration Law, a Study Under the Direction of Edith Lewenstein, Common Council for American Unity," proves without equivocation that the true purpose of the study undertaken under the grant was to influence and promote legislative changes in the existing immigration laws, as well as to promote proposals for changes of administrative procedures.

In its foreword, Mr. Reed Lewis, executive director of the Common Council for American Unity stated:

As such, the study can be valuable as a source in discussing needed changes, and will, we hope, prove a contribution to better legislation.

Mr. Lewis further stresses the lobbying aspects of the publication by stating that—

Some of the hardships created by a rigid law have been corrected, or at least alleviated, by the Immigration Act of September 11, 1957. This new legislation does not, however, cover all the situations in which administrative discretion to ease hardships is needed. Unless such discretion is vested in the administrative branch of the Government to a much greater extent than now, the need for private legislation will continue, and with it an uneven distribution of justice, since such relief is not readily available to many aliens.

In addition to the revealing statements of purposes made by Mr. Lewis the study itself stresses the necessity of legislative changes in the existing system of allocation of immigration quotas to the various countries of the world and advocates the necessity of legislation amending the present law as it relates to deportation of aliens, to naturalization procedures, and to provisions of the nationality statutes governing expatriation.

Let's also examine the denial of the influence of legislation made by Fund in January 1957 with the fact that the Fund has used tax-exempt moneys to distribute the 35th annual report of the American Civil Liberties Union. This publication deals extensively with legislative recommendations. While it is true that this is a publication of the American Civil Liberties Union, its distribution by the Fund for the Republic makes the legislative recommendations contained therein a responsibility of the Fund itself. There can be no question that the Fund for the Republic was aware of the American Civil Liberties Union's role directed toward influencing legislation. Writes the ACLU in the bulletin distributed by the Fund:

Contributions to the American Civil Liberties Union are not deductible for income-tax purposes since the Treasury Department has held that a "substantial part" of the Union's activities is directed toward its influencing legislation.

The Walter-McCarran Immigration Act was also the subject of attacks by another Fund financed enterprise. This involved the Edward R. Murrow telecast of an interview with H. Robert Oppenheimer on his "See It Now" television program of January 4, 1955. By February 17, the Fund officers had negotiated with Murrow and possibly CBS for the purchase of 110 16-mm. prints. The prints, purchased by the Fund was not the interview presented on the air

## LINO REGAL—AB 110

but an expanded version running 50 minutes. At a cost of \$15,566.51, exclusive of cost of distribution, the film had been shown to 138,013 persons by September 1956.

The film was almost entirely the story of the School for Advanced Study, Princeton, N. J., which Oppenheimer heads. While extremely educational it did not relate to the Fund's charter, unless it was intended to combat the impressions held by the American people of Oppenheimer following his removal from Government atomic research. The committee does not charge that this was its intent in spite of other actions on the part of the Fund with respect to Oppenheimer. The committee finds the expenses incurred by the Fund was in violation of tax-exempt regulations because of its attack upon the Walter-McCarran Immigration Act. This subject was unsolicitedly injected into the interview by Murrow, who used Oppenheimer for the purpose of falsely implying that the law in itself was responsible for denying scientists admission to the United States. While some scientists have been denied entry into the United States the reasons for some were not discussed. Murrow merely asked if the Walter-McCarran Act was not responsible for denying free intercourse among scientists, to which Oppenheimer replied "it is a wholly grotesque way to meet the problem of espionage. It is a scandal."

The fact that among these scientists were Communist agents, including those who were known to have assisted or condoned Soviet espionage was conveniently omitted. Dr. Oppenheimer knew the identity of several as the result of his experiences during the development of the A-bomb.

Oppenheimer defense and the condemnation of those not supporting him was a favorite cause of the Fund. They even spent tax-exempt money to attack the special body under the chairmanship of Gordon Gray, which voted to remove Oppenheimer's security clearance. To accomplish this they selected for distribution Charles P. Curtis' book, *The Oppenheimer Case*. This book clearly points up the distinction which the committee makes between the right of Charles P. Curtis to write and have published any view which he maintains, and the right of the Fund to accept Curtis' constitutional right and adopt it for their propaganda purposes. That Charles P. Curtis was prejudiced he acknowledges:

To begin with, you should know what this book is based on—in other words, what lies behind it. What usually lies behind a book is mainly the opinions, the prejudices and the experiences of the author. I am not going to keep either my opinions or my prejudices out of this book. I don't want to. I couldn't anyhow. I know Oppenheimer. I don't know him well. I have met him half a dozen times. But I know him well enough to start with an opinion—or, if you prefer, a prejudice—in his favor. And the transcript of the proceedings and the decisions have confirmed my opinion and my prejudice.

Were the prejudices of Charles P. Curtis adopted by the Fund when it selected the book for distribution? Was it the intent of the Fund that the 500 educators, business executives, and lawyers to whom they mailed the book adopt the prejudices of both the author and the Fund?

Objectivity, not prejudice, is that which Congress intended to reward, through the grant of tax exemption.

### TELEVISION ACTIVITIES

The Fund also condemned the University of Washington because of its action against J. Robert Oppenheimer.

On this occasion, it utilized not a book or a show by Edward R. Murrow, but a news film. The film was prepared under an experimental project of the Fund and was supplied to television stations in the name of the Fund for the Republic. The Fund's action in this film was similar to that of the film which it produced to publicize the award in behalf of Mary Knowles.

According to the committee's evidence, unverifiable because of the refusal of the Fund to make its records available for inspection, this program was inaugurated by the officers of the Fund, without approval

## LINO REGAL—AB 111

of the directors. According to the minutes of the meetings of directors, supplied to the committee by the Fund, this project was not discussed with the directors until May 19, 1955, when President Hutchins and Vice President Ferry reported on the experimental program which had been supplying television news clips to newscasters in southern California on an experimental basis. Following the discussion, the directors empowered the executive committee of the Fund to act on the recommendations of the officers for an expansion of this service. On September 15, 1955, \$200,000 was appropriated to operate the television news clip program on a national scale for 1 year.

The Three-Year Report of the Fund of May 1956, reporting that 30 TV news clips had been released and had been shown before an estimated audience of 55,581,000 persons. Describing the project as one which provided motion picture reports of events of interest in civil liberties or race relations to television and network news editors all over the United States, at no cost, the Fund reported:

In September 1955, it was felt that results, with television film clip programs provided under an experimental radio-television appropriation, justified expanding of news film service which the Fund began in California.

The Fund's interest in J. Robert Oppenheimer is reflected in two separate films prepared and financed by the Fund, under its news film project. Both films revolve around the action by Dr. Henry Schmitz, president of the University of Washington, in barring Oppenheimer as a campus speaker. The first TV clip news release and/or script describes the film as:

The action of the president of the University of Washington, Dr. Henry Schmitz, in refusing to allow atomic scientist Dr. J. Robert Oppenheimer to speak on the campus, has stirred up a hornet's nest in Seattle. Angry students hanged Dr. Schmitz in effigy and then held a mass meeting to demand Schmitz change his ruling. Schmitz has refused. So today the student body sent a delegation to the State capitol to protest. Here's what some of the students think about it.

In the presentation of the students, a majority, an overwhelming majority, of the students presented on the film were those voicing protest against the actions of the president in barring Oppenheimer. This absence of a representative number. While the film makes the charges against Dr. Schmitz quoted above, the film closes with the mere announcement: "Dr. Schmitz was unavailable for comment."

President Schmitz' position and reasons for barring Oppenheimer from the campus of the University of Washington, was a matter of public record at the time of the student protest, as well as at the time of the preparation of the Fund TV news clip. Certainly the unavailability of President Schmitz does not excuse the Fund for the Republic from representing his position and therefore presenting to the TV audience an objective coverage of the controversy.

Following the incident reported in the above TV news clip, there was scheduled at the University of Washington on April 7 and 8, 1955, a symposium on "The Molecular Basis of Enzyme." Because of the Oppenheimer incident, certain invited lecturers refused to attend. The Fund produced and financed a news clip dealing with these refusals. The clip relating that seven of the invited lecturers had refused to attend presents live, Prof. Arthur Komberg of George Washington University, St. Louis, Mo. Komberg is presented reading a portion of his letter to President Schmitz, which letter sets forth his support of Dr. Oppenheimer and his condemnation of the president of the University of Washington in barring him from the campus. In the preparation of this news clip, Professor Schmitz was available and had released a statement but the film silently portrayed President Schmitz at various University of Washington functions. President Schmitz' statement was furnished each TV company with a print of the clip but the sound track of the clip did not contain the statement.

According to the committee investigation, other Fund produced TV news clips are as follows:

One related to "Fear in Education."

In this news clip presented to networks in the name of the Fund for the Republic, there is presented a teacher in the Los Angeles public school system expressing an opinion on the subject of fear in education. The script reads:

## LINO REGAL—AB 112

She is a leading faculty member in her school. To protect her from any possibility of reprisal or discrimination as a result of expressing her frank opinions, she is unidentified.

Her unsupported opinion is presented as a followup to an opening statement by a moderator:

A teacher in the Los Angeles public system today charged that widespread fear on the part of teachers generally is hurting the quality of education.

Another related to an "Armed Forces Day parade in Long Beach, Calif."

This television news film documents a conflict which took place at the Long Beach, Calif., Armed Forces Day parade. It resulted from indignation of veterans of World Wars I, II, and the Korean war over signs carried by affiliates of the Fellowship of Reconciliation.

The Fund-produced film portrays the conflict as a condemnation of the veterans, not of the pickets. This film decries the violation of the civil rights of the pickets and infers that the interference with the veterans right to parade does not constitute a civil rights violation.

The committee's investigation has established that the picketing engaged in under the Fellowship of Reconciliation was designed to agitate the veterans participating in the parade. All of the pickets were not affiliated with the Fellowship of Reconciliation as we have learned from documents in the committee's possession. On May 7, 1953, a meeting of the executive board of the Southern California Peace Crusade was held at the First Unitarian Church. At this meeting, Peter Hyun, an identified Communist, announced that the Fellowship of Reconciliation was planning a poster march in the parade. He further announced that any individuals interested in participating in the poster march would be welcomed.

Apparently the Fund for the Republic was on hand to film violence which was anticipated but did not take place. Ignoring the right of the loyal citizen to peacefully demonstrate, free of molestation, the Fund for the Republic stated in its release, which accompanied the television news clip:

This film clip is furnished by the Fund for the Republic as an illustration that basic constitutional liberty applies to all groups, even those with whom the majority may disagree.

Other Fund-financed television news clips related to the subject of loyalty oaths, as a condition of residence in public housing projects, loyalty oath requirement for tax-exempt veterans, student demonstration on encroachments on academic freedoms a libel suit growing out of Communist charges, ruling by California attorney general that the Bible should not be read in classes, Socialist Party's objection of the inclusion of one of its organizations on the Attorney General's list, and attacks on certain aspects of the Federal-security program.

In addition the Fund for the Republic has financed television news clips featuring the extremely biased California attorney, A. L. Wirin, whose uncontrollable bias on one occasion necessitated the committee ejecting him from a hearing in California, was featured arguing the unconstitutionality of loyalty oaths.

Like the Mary Knowles award, the Fund for the Republic prepared a television news clip on its award to the "Westwood-UCLA-YWCA." President Hutchins, of the Fund for the Republic, used the opportunity of the award to attack the Attorney General's list of subversive organizations. He praised the "Y" for renting its facilities to groups "even though they are on the Attorney General's list."

The Attorney General's list was described by Hutchins, speaking for the Fund for the Republic, as the "most pernicious institution of recent times." Hutchins' condemnation of the Attorney General's list while demonstrating a consistency in Hutchins' position, is but merely another item of proof of the biased operation of the Fund for the Republic.

Robert M. Hutchins was at one time considering running for political office in California. This might be the explanation behind the Fund for the Republic financing a TV news clip featuring Leslie Claypool, the former political editor of the defunct Los Angeles Daily News. The Fund-financed news clip featured Claypool in his comment that the demise of the Los Angeles Daily News left Los Angeles with an all-Republican press and little access to opposing views.

## LINO REGAL—AB 113

The committee has not examined, for the purposes of this report, the Fund for the Republic-financed TV news clips relating to religion or race. As we have stated previously in this report, while expenditures by the Fund for the Republic in these fields may be objectionable, the committee has excluded them from the report in order not to confuse the issue. We feel however that the Internal Revenue Service would upon investigation find several of the TV news clips to be propaganda in origin and in content. The propaganda value of the visual media, such as radio and television, has been discussed by the committee time and time again. The Fund for the Republic in its blacklisting report attempted to reject this argument through an analysis of the screen plays of Hollywood Communists—principally the "Hollywood Ten." While rejecting the arguments of the propaganda of this medium, the Fund has appropriated large sums of money for the purpose of utilizing the propaganda advantage offered by TV.

The Fund appropriated \$200,000 for a television series featuring the cartoonist Herb Block. Herb Block's cartoon condemnation of investigation of communism, is known to everyone including the officers of the Fund. His cartoon treatments of congressional investigations of communism, the operation of the loyalty-security program, and individuals active in the expose of communism, has been condemned as a tragic demonstration of Americanism. Yet the Fund for the Republic hires Herb Block to feature a series relating to the investigations of communism, and the many security programs. The actual treatment by Herb Block is denied the committee through the refusal of the Fund for the Republic to make its files available for examination. The project was discontinued when the Fund found that the series could not be tailored to put across its point without showing the obvious bias. The committee is unaware of the cost of this discontinued project to the Fund for the Republic. Herb Block is known to have received \$1,750 for his services.

Expended by the Fund for the Republic was \$27,223.46 for a similar propaganda treatment by Al Capp. Two films were prepared by Capp, neither of which were distributed by the Fund for the Republic and the films were returned to the author. The principal treatment of the first film by Al Capp was the ridiculing of America's concern over communism. It was accomplished through the betrayal of a soap manufacturer, who was portrayed exhibiting a ridiculous concern over subversives in his plant. The second film by Capp was a discrimination treatment. The committee takes exception of this expenditure of \$27,000 by the Fund for the Republic as a violation of expenditures approved under tax-exempt legislation. Irrespective of the fact that the film was not distributed, the story outline of the film, if the Fund would have been interested in its contents, would have demonstrated the propaganda treatment of the film and the \$27,000 of tax-exempt money would not have been wasted.

The Fund expended \$31,881.56, for a film directed by Sidney Lumet, a subject of Cogley's blacklisting report on TV. This film revolves around a school-bus driver, who was asked to sign a loyalty oath. The driver refused to sign the oath and was fired. The film gives considerable treatment to a meeting of townspeople debating reinstatement of the driver. The film ends without showing the resultant action of the townspeople. It is the committee's opinion that this some \$30,000 is another expenditure of the Fund for the Republic intended to contribute toward the destruction of loyalty oath requirements. The committee is unable to find a single treatment of the loyalty-security program by the Fund for the Republic which even by inference could be classified as constituting approval.

The Fund for the Republic has in addition to the above, spent several hundred thousand dollars in an effort to encourage the presentation on the American TV screen of drama which represents the perpetuation of the Fund's way of life. The winning scripts in the Fund's contest for TV plays relating to the subject of civil rights and civil liberties, were made available to radio and TV networks. The Fund has bitterly complained over the unwillingness of the radio and TV networks to adopt these works for network presentation. The Fund's complaint is apparently based upon disappointment; that the industries did not see eye to eye with former Fund chairman, Paul

Robert L. Block  
("Herb Block")



## LINO REGAL—AB 114

Hoffman. Hoffman, in a ceremony, at the Waldorf Astoria Hotel in August 1955, stated:

The subjects with which these writers have dealt include some of the fundamental issues facing the Nation today. We are confident that the television industry will find many, if not all, of the winning scripts eminently suitable for production.

The principal judge engaged by the Fund for the Republic was Julien Bryan, whom the Fund describes as a documentary film producer. Bryan could be classified as an expert on Russia. In the middle 1930's, he is reported to have been a guide for the Russian Travel Department. He apparently has had little difficulty in penetrating the Iron Curtain, as illustrated by the film which he made in 1947 on religion in Russia and his 1950 film on China. His objectivity and effectiveness are seriously questioned by his presentation of both these subjects.

To encourage the live presentation of scripts, the theme of which met the approval of the Fund for the Republic, a committee of awards was created by the Fund. After the death of Fund Director Robert E. Sherwood, the awards were named in his honor. The 3-year study acknowledges an expenditure in this field by the Fund of \$17,937, which the committee estimates is about one-third of the total expenditures of the Fund today in this field. In the February 27, 1956, issue of New Leader, there is an article entitled "Fund for the Republic Muffs Again." Although this article relates to the Robert E. Sherwood awards, it illustrates the cleverness of the Fund's operation. Kermit Bloomgarden, the only theater representative among the Sherwood award jurors, is the type individual represented in a majority of the Fund project. His character is also the character of the majority of the recipients of Fund grants, as well as the authors of many of the publications distributed by the Fund. Joseph T. Shipley, the author of the article, as well as the New Leader itself, can only be considered as objective bystanders in either the operation of the Fund for the Republic, the loyalty-security program enforcements, or the procedures of committees investigating communism. Therefore, as an expression of the position of the committee, the article is hereafter quoted:

The Fund for the Republic has a fine title; it implies a trust, almost a dedication. The Fund is devoted to the preservation of our American liberties. In this great cause, it has just established three awards "for television programs dealing with American liberty and freedom, as presented on commercial television." There is an award of \$20,000 "for the best network drama," another of \$20,000 "for the best network documentary," and one of \$15,000 "for the best production of either type by an independent station." These prizes are to be known as the Robert E. Sherwood Awards.

In seeking to honor the memory of Robert E. Sherwood, in using his name to lend his dignity and integrity to its awards, the Fund must assume the responsibility of insuring winners who will manifest the high level of love of democracy and fair dealing marked in the life and in the plays of Robert Sherwood. In the theater, no more staunch exemplar of democracy can be found. As president of the Dramatists' Guild (I wish I had space to quote his farewell address), as fellow worker and friend of playwrights, as man and author, he was a pillar of faith and works for liberal thought and liberty. His There Shall Be No Night, a drama of the Fund's stalwart stand against Russian tyranny, is a flaming indictment of the ruthless totalitarian drive. When I chatted with him not long before his death, he spoke of "my two dearest loves, the United Nations ideals and the theater."

Of the 9 jurors for the Robert E. Sherwood awards, only 3 are of the theater. Since 3 are attorneys, 1 a college president, 1 Mrs. Eleanor Roosevelt, it is clear that the theater representative will be a large determining factor in the choice of the "best network drama," etc. For that juror, the Fund might have named any of a score of friends and close associates of Sherwood, outstanding persons of unquestioned devotion to the same ideals. The Fund chose theater producer Kermit Bloomgarden.

The career of Kermit Bloomgarden—the only representative of the theater among the Sherwood award jurors—has been prominently linked with organizations listed as subversive. His activities along these lines were not confined to the years when Russia was our enforced ally in World War II, but spread through years when the cold-war issues were clearly and sharply defined.

He was a sponsor of the Freedom from Fear Committee. He served as director and treasurer of the Progressive Citizens of America. He was affiliated with the Independent Citizens Committee of the Arts, Sciences and Professions, which was repudiated in 1946 by its chairman, Harold I.ickes, because of its Communist character, and which Louis Budenz in 1948 declared had been created in his office at the Daily Worker. Continuing his activity in the National Council of the Arts, Sciences and Professions—he had been a nominee for office

# LYNO REGAL—AB 115

in its theater division—Bloomgarden was a sponsor of the "Scientific and Cultural Conference for World Peace" held at the Waldorf-Astoria Hotel in New York City in March 1948.

If he was unaware of the character of these associations up to then, in these later days of awakening he has vouchsafed no public sign of withdrawal or disavowal. And while all lovers of the theater will recognize the significance of the role of the early Moscow Art Theater, few lovers of democracy sent greetings—not hopes for liberation—on the 50th anniversary of that group, when it was sunk under the domination of a dictating tyranny. The Daily Worker listed, among the senders, Kermit Bloomgarden.

What justification can there be for the selection of a man with such a background as the sole theater man for the Sherwood award jury? Does the Fund for the Republic wish to sustain the ideals associated with Sherwood's name? Too often of late, Fund apologists have had to plead ignorance, or explain that misjudgments or omissions can creep in anywhere. There are reactionaries ready to cry out against all foundations using their resources to promote the humanities, to foster liberal thought, to sustain our freedoms. Those who cherish such ideals must protest when their supposed defenders, with whatever well-meaning purpose, give ammunition to the enemies of freedom. The Fund for the Republic is developing accidents into coincidence—or is it, indeed, a conscious line?

## AMERICAN TRADITION PROJECT

The American Tradition project is another example of the one-sided approach of the Fund for the Republic. This Fund-financed project had as its purpose the awarding of individuals who met the test American traditions as defined by the officers of the Fund for the Republic.

This interpretation of the Fund did not result from an analysis by the Fund to determine just what the American tradition might be. In propagandizing the Ford Foundation for the additional \$14 million which it received in February 1953, the directors of the Fund set forth the necessity of research to determine just what the American legacy might be. Until recently it conducted no research of this legacy and its decision to award actions which exemplified either the legacy or the tradition, were made, not on the basis of impartial study but on the biased interpretation of the tradition by Fund's officers. The resultant awards served merely to commend those whose actions the officers of the Fund approved, and to condemn those whose action it disapproved.

Will Moore Kendall analyzed the Fund's American Tradition project, and his analysis of it appeared in the October 26, 1957, issue of National Review. Like the Shipley article which related to one phase of the Fund's television propaganda activities, the committee reproduced Kendall's article "The Fund Drives a Wedge Between Our Traditions and Our Way of Life."<sup>69</sup> This analysis is produced

<sup>69</sup> National Review, October 26, 1957, p. 370.

for the purpose of documenting the conflict which projects of the Fund motivated by bias has caused:

Is the "American Tradition" a mandate for the realization of the program of contemporary American Liberalism? Of course not; but the Liberals are very busy-busy these days insisting—alike in serious scholarly works and in their mass propaganda—that our tradition is just that. That the "principles" of our forebears coincided precisely with those of Arthur Schlesinger, Jr. and that, in consequence, anyone who refuses to embrace ~~those principles~~ *is ipso facto* a bad, not to say subversive, American. And unless some other people get busy-busy exposing the Liberals' fibs and half-truths about our traditional way of life—our way of life as it has actually been lived, and not merely as it has been written about by star-gazing intellectuals—and about the ideas most Americans have actually acted upon down through the decades, it is soon going to be too late to do anything about it.

I have before me, for instance, a pamphlet entitled "The American Tradition in 1957," published by the American Traditions Project of—as you might guess—the Fund for the Republic. The Project, it seems, has been sponsoring a letter-writing contest, in which the entrants have been asked to "write about any incident, of which they personally were aware, in which there was an every-day working application of the American traditions of law and justice and decency for all men." And out of the "hundreds of letters" that came in the Project is making available in its pamphlet—for your edification and mine—a "sampling"; not a "selection," mind you, but a "sampling," since, we are assured, "those few examples speak truly for [all the letters]." They demonstrate [that] our cherished traditions . . . work as well today as they always have; and, if we are faithful to them, always will." There are, in other words, no two opinions out there in American society as to the kind of behavior our tradition enjoins upon us; and the one opinion is Liberal.

Let us make a sampling of the samplings, summarize the stories and note the "traditions" they point up:

## LINO REGAL—AB 116

John Regal cast the one negative vote in the Florida Legislature against certain statutes calculated to avoid compliance with the Supreme Court ruling on desegregation. Though he knew he was laying his head on the block politically, he also made a speech in which he said that "second class citizens [are] repugnant to our democratic principles." But the voters in his constituency, "under the full force of the conscience that has made America great," re-elected him by an overwhelming majority. The moral? "The Founding Fathers gave us no more sacred right than the right to dissent"—which, let us notice, is to ignore the fact that what was at stake in the election was *not* Ort's right to dissent (which no one had challenged), but his right to dissent and be re-elected. Which right, begging the Project's leave, is unknown to our constitutional law. (And note the plug for desegregation.)

An art exhibition entitled "Sports In Art" was about to be presented by the Dallas (Texas) Museum of Fine Arts. The Dallas Patriot Society insisted that ~~all the paintings by four of the painters participating~~ be eliminated—on the grounds that each of them had a "Communist or Communist-front record." The Trustees of the Dallas Art Association found no evidence supporting this charge, and so went ahead and exhibited the paintings—~~knowing, as it did so,~~ that "one of the basic principles of American Justice is that a person is presumed innocent until proven guilty." What would the Trustees have done had they discovered the four painters did have Communist or Communist-front records? The author presumably doesn't know, but this does not prevent him from drawing the (surely unwarranted) moral, which he quotes from that old traditionalist Dwight Eisenhower: "... freedom of the arts is a basic freedom ... For our republic to stay free, those among us [including one supposes, Communists] with the rare gift of artistry must be able freely to use their talent." And it follows, one gathers, that when an American community boycotts a Communist artist or performer, it violates an American tradition.

Fred Ross disagreed when people told him that the Mexicans in a certain slum district were "naturally dirty and lazy," and preferred to "live that way." His idea? Well, the Mexicans mostly didn't vote. So he got them registered and "the pay-off" came fast: street-lights, new paving, better police-service, more devoted teachers. The moral: "American democracy works [i.e., brings a 'pay-off'] only as well as its people make it work." So redistributive taxation is also part of the American tradition!

A Filipino-American family was about to move into a house on Cherry Street in Winnetka. A physician, a resident in the same street, sought to rally the neighbors to "repel this invasion." Then a family who disagreed with him got all the neighbors together to meet the "invaders," and sentiment shifted against the doctor. "Cherry Street," the letter concludes "is quiet now. Ask anybody what kind of people live there. Chances are the answer will be: 'Just neighbors.'" The clear implication? Anyone who thinks the citizens of a free society are entitled to choose their neighbors, and therefore favors restrictive covenants and similar practices, has American tradition against him—is, in a word, a bad American.

Thomas Jefferson (this, however, from the Project editors, not one of the letters) once wrote, "Truth is great and will prevail if left to herself: she is the proper and sufficient antagonist to error and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons." What human interposition? The Project does not say. "The loyalty-security program and the Congressional inquiries about Communist penetration of government and schools." But, as we traditionally say in Oklahoma, it seems to be thinking it mighty loud.

### FELLOWSHIP AND GRANT-IN-AID

The Three-Year Report published by the Fund of the Republic in May 1956, reflects that the Fund had expended \$204,546 on a fellowship and grant-in-aid program. That the Fund has denied the committee access to its records, we are unable to state how many additional thousands have been expended by the Fund for the Republic in its program to date. The report identified the recipients of Fund grants and briefly catalogs the area of study.

This report excludes "fellowships and grants-in-aid" relating to religious or racial matters. Most other studies relate in some way to the interest of the Community Party and its members. This interest was tied up in either investigations of loyalty-security programs, loyalty oaths, legislative investigations of communism, or to assist in the preparation of a book based on opinions of a United States court of appeals judge, whose opinions consistently reflect a judgment similar to the judgment of the officers of the Fund and in particular the Fund consultant in charge of the fellowship and grant-in-aid program.

The committee has been unable to locate a single study which has produced an objective discussion of the problems involved in the field of study. The committee's study of many of the recipients of fellowships and grants-in-aid demonstrate them to possess a prejudice in relationship to their area of inquiry. The recipients of the grants, in many instances, had been publicly proclaiming their prejudice over a great many years. It is evident that the Fund for the Re-

## LINO REGAL—AB 117

public knew of the existence of this prejudice and utilized it by making grants to those possessing a prejudice.

This program has been acknowledged by the Fund for the Republic as the program of the Officers of the Fund, whose own prejudice we have previously discussed. In the Three-Year Report, the Fund acknowledged that this program was established in September 1954. The purpose of the program as set forth in the Three-Year Report was to permit the officers of the Fund to:

Fund and assist people of mature judgment who are doing, or who are qualified to do, constructive work in area of the Fund's interest.

The board of directors of the Fund, by this quoted language placed into the hands of Fund President Hutchins and the officers under his control, the responsibility of determining three things:

(1) To determine what subject was in the interest of the Fund; (2) determine the judgment of the recipient, and (3), to determine if the recipient's work was constructive.

Under this criterion President Hutchins, who condemns loyalty security programs, determines that someone sharing opinions of the programs similar to his, possesses mature judgment; that his work is constructive and because it conforms with the opinion of President Hutchins, that the program falls within the interest of the Fund.

The Fund thereafter makes a grant, and in spite of the background of the recipient of this grant, claims that it did not influence either the area of the study or the end product.

To assist the perpetuation of the prejudices of Hutchins, the Fund appointed a consultant. The consultant appointed was Prof. Robert E. Cushman, of Cornell, who has passed on all fellowship applications. The Fund in its report tells us nothing of Professor Cushman's background that would establish his qualifications for the position he was given. By the same token, the Fund conceals Cushman's bias, which bias he has been expressing over a great many years. The Fund failed to disclose that the job which the Fund commissioned Cushman to perform was similar to jobs which he had been commissioned to perform by the Rockefeller Foundation. Cushman's bias was dealt with in the report and hearings of Special Committee To Investigate Tax-exempt Foundations and Comparable Institutions dated 1954, and the committee does not intend to duplicate the findings of that committee. We have found, in addition, that Cushman, in January 1948, was referring to congressional findings of Communist espionage activities as the "orgy of unrestrained witchhunting." With the disclosures of the Canadian Commission, of Soviet espionage activities against the Canadian Government, and the connecting links to activities against the American Government before him, Cushman stated that the loyalty programs were for no other purpose than:

We have managed to instill into the mind of every man or woman who holds a Government job, or who wants to hold a Government job, that he had better read the right books, newspapers and magazines, says the right things, and, considering all the risks, had better not join any organization or society at all, since a Communist might also join it, and then he would become a fellow traveler and be damned forever.

We are in the process of building up the impression that we wish to staff the United States Government with people who, in self-protection, will follow two simple rules: (1) Think only approved and orthodox thoughts; and (2) in case of doubt, don't think at all.

Professor Cushman's objectivity can be seen by his 1949 characterization of "national disgrace" of the dislocation and internment of Japanese residing in the United States. He does not bother to state what he would have done in light of the tragedy of Pearl Harbor, nor does he bother, in referring to an action taken 7 years prior, reset the scene and advise of the problems America then faced.

Cushman's activity in objecting to programs designed to restrict the activities of members of the Soviet espionage structure has not been limited to the loyalty security program. Speaking before the American Philosophical Society in Philadelphia in April 1948, he at-

## LINO. REGAL—AB 118

tacked the policy of the Government in denying passports to Communists. Of course, Cushman's intellectual dishonesty did not permit him to portray those individuals who were denied passports as being Communists, instead he falsified the issues by identifying the individuals as those who merely "wish to travel abroad to attend conferences and express opinions on questions of interest."

During the same speech, Cushman did not lose the opportunity to again attack the Government's loyalty-security program. His opposition to the loyalty-security program in this speech was "because the principle of guilt by association" has been assimilated into the program. Guilt by association, as interpreted by Professor Cushman in his speeches which we have reviewed, is intended to excuse the intellectually dishonest Communist who refuses to sign a party card but supports its program through the organization which the Communist Party creates.

In January 1949, before a conference of the American College of Public Relations Association, Cushman defended the Communist as a teacher in our schools and universities. Like in the passport discussion and his opposition to that program, Professor Cushman deceives by identifying the college professors who were the subject of his defense not as members of the Communist Party, but as professors who campaigned for Henry A. Wallace.

With Rockefeller Foundation money, Cushman had prepared many biased works by researchers and authors whose bias was known prior to his hiring of them under the Rockefeller grant. One of his Rockefeller grant studies was conducted under Cushman's direction, by Eleanor Bontecou. Joseph Volpe, Jr., the Fund's security consultant, during the presidency of Clifford P. Case, prepared in January 1954, a memorandum containing certain recommendations about Fund projects in the loyalty-security field. His memorandum dealt with the studies under the Rockefeller grant and referred specifically to the end product of Eleanor Bontecou. Wrote Volpe:

The Bontecou book is perhaps the most comprehensive and detailed effort of all the material that has come out of the project. Unfortunately, it is heavily flavored with the author's own point of view and this detracts from its value as an objective source for public evaluation and criticism.

In spite of this finding by former security consultant, Volpe, Cushman, and the officers of the Fund for the Republic made two grants to Eleanor Bontecou. These are described in the Three-Year Report as being made to: (1) Permit her to finish a book for general sale entitled "The Price They Pay", dealing with the loyalty-security program, and (2) assist in the preparation of a book on the opinion of Judge Henry Edgerton.

The decisions of Judge Edgerton have apparently had a warm place in the heart of Professor Cushman since March of 1948, and his dissenting opinion in the *Edward Barsky et al., appellants v. U. S. of America, appellee*. In the dissenting opinion of this case, which involved a contempt of Congress conviction of Edward Barsky and other officers and directors of the Joint Anti-Fascist Refugee Committee, Judge Edgerton in a footnote reference used no less an authority to support his dissent than the biased opinion of Prof. Robert E. Cushman.

The authority quoted by Judge Edgerton is the unsupported opinion of Professor Cushman which a footnote reference carries as follows:

Professor Cushman says: The opprobrious epitaph "un-American" was applied to all those who indulged in an open criticism of our institutions, our so-called American way of life, or of Mr. Dies. Good loyal American citizens, who ought to know better, were persuaded to give their support to the suppression of free speech, free press on the grotesque theory that they were thereby showing their loyalty to the basic principles of American democracy. Bigotry was made not merely respectable but noble, by the skillful use of labels or slogans. American public opinion was inoculated with a dangerous idea that true Americanism consists in the stalwart defense of the status quo and the suppression of those dangerous and disloyal people who are unpatriotic enough to want to criticize it or suggest any change in it.

Not only was Professor Cushman a consultant, he was also the recipient of a grant from the Fund of some \$20,000. This money was appropriated to Professor Cushman by the Fund for the Republic to enable him to finish two books. One—"Civil Liberties in the United

## LINO REGAL—AB 119

States" was purchased by the Fund for distribution to press, lawyers, civic leaders, Freedom Agenda, and political science teachers. Needless to say, this book was an expansion of Cushman's opposition to loyalty-security programs, legislative investigating committees, and other programs primarily installed as a check of Communist subversion. In his book, Cushman continues his deceitful campaign of falsely misrepresenting the activities of instrumentalities exposing communism—such as the Committee on Un-American Activities—and impugning the integrity and honesty of the elected membership of this committee without fact to support his insinuations.

A typical misrepresentation. Cushman writes as factual:

The files assembled by legislative investigating committees are official Government records. They are the property of the Government to be used in the official work of the committee or other agencies of the Government. These files contain information about thousands of individuals, some of it reliable, some of it admittedly unsifted and therefore unreliable. The House Committee on Un-American Activities from time to time allow access to its files, or release information from its files, to persons not connected with the Government, some of these persons were private or commercial Communist hunters, newspapermen or radio broadcasters. Such bootlegging of the contents of official, confidential documents inflicts a serious injustice upon those whose names are thus improperly released to outsiders. In the light of this evidence of committee irresponsibility one can understand the adamant opposition of the President, the Attorney General, and Mr. J. Edgar Hoover, to demands that FBI records be turned over to congressional committees.

About the only claim of Cushman's quoted in the above paragraph that is factual is that the files assembled by legislative investigating committees are official Government records. He is mistaken both as to what the files actually contain and the use which is made of them. The files are the files of the House of Representatives and are made available to executive agencies of the Government to assist the executive department in conducting loyalty-security programs. They cannot be reviewed by the Executive as a matter of right. The files to which Cushman referred are not confidential files but are records which result from the indexing of public printed sources. Any citizen of the United States could go into a large public library, such as the New York City Library and obtain the information which is in the files of the committee and which is made available to executive agencies of the Government or to Members of Congress.

Contrary to Mr. Cushman's claim, these files are not made available to persons not connected with the Government except as they might be released to such persons by individual Members of Congress, rather than the Committee on Un-American Activities. As a matter of fact, nearly all of the individual directors of the Fund's Communist history project have obtained these records through Members of Congress. As a matter of fact, several of these directors have become particularly incensed over the refusal of the committee to make the files available to them directly. One even went so far as to censor the chairman of the committee for his refusal to make records available on the claim that he had written to the chairman, not as the chairman of the committee, but as an individual Member of Congress and he therefore expected the documents which he requested.

The Committee on Un-American Activities maintains confidential files, the contents of which are released to no source outside of the committee. Only one time was there exception to this and this exception was made to Prof. Robert K. Carr, whom Professor Cushman had commissioned under a Rockefeller Foundation grant to write a book on the activities of this committee. This permission was given to Professor Carr after he had convinced the committee of his objectivity. The book by Professor Carr so perverted the facts which had been given to him that the committee has not granted the authority to any individual since that time.

Even Professor Cushman's claim which involves the opposition of the President, the Attorney General and Mr. J. Edgar Hoover, to the demands that the FBI records be turned over to the congressional committees, is far removed from fact. The individuals cited know that the Committee on Un-American Activities maintains confidential files and they have never interposed objections to turning over FBI records for the reasons claimed by Professor Cushman. The committee does not seek FBI records except for one instance in 1948,



## LINO REGAL—AB 120

when evidence contained in the committee's file was in conflict with the assertions of the Administration as to the content of executive files. The reason the committee does not seek FBI records, and the reason why the FBI would be reluctant to surrender such records to a committee, if they were requested, revolves solely round the identity of informants. The committee which is dedicated to strengthening United States security, is not interested in tearing it down by learning the identity of FBI informants, whether criminal or subversive.

Moral integrity and intellectual honesty are reserved by Cushman for himself and those individuals who support the conspiratorial activities of Communists as an inalienable right guaranteed by the Constitution. In impugning the motivations of legislative committees investigating communism, or the people's chosen representatives, who head up these committees, Cushman offers opinion devoid of fact.

Congressional investigations intended to determine the nature of the Communist conspiracy and the extent to which it has infiltrated American society is characterized by Professor Cushman as punitive exposure of subversives. The men who headed these committees are described, in his book, Civil Liberties in the United States, financed and distributed by the Fund for the Republic, as men whose political fortunes are directly enhanced by the number of persons exposed as disloyal.

Cushman builds on an unsupported theory that political ambition is the sole reason for the investigations by the Congress. Following the theme of Fund President Hutchins, which we have earlier quoted, Cushman characterized congressional investigations as the most politically profitable activity in which a Congressman can engage. To emphasize this point, but completely overlooking the rules of the House of Representatives with respect to committee assignments, Cushman claims that it was reported in 1953 that 185 of 221 Republican Members of the House applied for membership on the House Committee on Un-American Activities. The propaganda nature of Cushman's book is evident to anyone taking the time to analyze it in light of the knowledge of activities engaged in by congressional committees. It is evident from reading the book and considering the ideological background of President Hutchins, that both the grant of tax-exempt money to Professor Cushman and the distribution of the end product, which was his book, qualify him, as fulfilling Hutchins' criteria: namely, of having mature judgment on the subject, performing constructive work and determining that his propaganda was in the Fund's interest.

The fellowship grant aid program, of the Fund for the Republic has acknowledged in its Three-Year Report, two fellowships which resulted in books, one by Edward Shils, *The Torment of Secrecy*, and Martin Grodzins' *The Loyal and the Disloyal*. The fellowship to Martin Grodzins is established by the Fund as being for the purpose of "a study of the potential leadership of the extreme right and of the opposition to it." The fellowship to Edward Shils was established as being to permit him to complete a popular book for general sale on the loyalty-security problem, with emphasis on its application to scientists.

Martin Grodzins' fellowship for a study of the potential leadership of the extreme right resulted in his book, *The Loyal and the Disloyal*. The research financed by the Fund was used as a buildup to parts of the book in which the author was severely critical of our loyalty investigations. The sources of the author's criticism, is not the Fund-financed research, but rather is it through the quoting by Grodzin of the prejudiced views of his sources, such as Walter Gellhorn, Robert K. Carr, Eleanor Bontecou, Marie Jahoda, Alan Barth, Hans Morgenthau, and Edward Shils. All are standard sources for the Fund's attack upon loyalty-security congressional investigations, or the other programs instituted by the State and Federal Governments for the purpose of limiting the operations of the Communist conspiracy.

With the views of these sources before him, Grodzins finds that a frequent criticism of the loyalty-security programs is that they utilize undemocratic procedures for democratic goals. Other than the prejudiced views of his sources, he offers no substantiation for his findings:



## LINO REGAL—AB 121

The loyalty-security programs produce reverse consequences. They weaken national loyalty rather than strengthen; they undermine, not increase, competence; they create more traitors than they uncover.

Edward Shils is a professor of social science, University of Chicago. He has opposed most procedures and legislation, instituted or enacted, for the purpose of restricting the activities of international Communist agents. Since its formation following the close of World War II, he has acted in an editorial capacity on the staff of the Bulletin of Atomic Scientists. This bulletin was established by those scientists engaged in our A-bomb development during World War II, who opposed the secrecy connected with the atom bomb development and the loyalty-security measures to which these scientific persons were subject.

In October 1952, Edward Shils edited the special edition of the Bulletin of Atomic Scientists which was devoted to the attacking of passport and visa policies of the United States, and provisions of the Internal Security Act of 1950 and the Immigration and Nationality Act of 1952. His opposition, together with the opposition of the Bulletin itself, has met the officers of the Fund for the Republic's standard for judgment and competence, together with the determination that with his and the Bulletin's views involve an area of interest to the Fund. The Fund for the Republic distributed 25,000 copies of a special issue of the Bulletin of Atomic Scientists, April 1953, to the clergy, law, press, et cetera, selected by the Bulletin for distribution. Edward Shils was the author of an article in this special issue which was entitled "Security and Science Sacrificed to Loyalty". In this article, Shils acknowledges the discontent of certain atomic scientists and their refusal to cooperate with the Federal Government in its security program:

During the war, scientists chafed at the restraints, complained to one another, and accumulated much distress about the restrictions imposed by the security system.

Typical of Fund for the Republic officers, or recipients of Fund grants, the same rules which apply to them, are not accorded by them to others. Edward Shils is no exception to this theory. Medford Evans is the author of the Secret War for the A-Bomb.

Edward A. Shils reviewed this book for the February 1954 issue of the Bulletin for the Atomic Scientists. Titling his review: "Conspiratorial Hallucinations" he, without proof, questions Evans' logic, integrity and even his sanity. Shils' unwillingness to accord to Evans the freedom of opinion which he demands for himself is demonstrated by his condemnation of the publisher of Evans' book. Wrote Shils:

What is appalling about this work is not just the fact that such an aphantasy has arisen in the mind of one man. It is rather the fact that a publishing house which seeks to become the rallying point of a responsible and intelligent conservatism, which this country needs, should publish such a frivolous work.

Shils vehemently condemns any reference to Harold C. Urey's affiliation with Communist-front organizations, or his support of known Communist causes. Urey was vice chairman of the board of sponsors of the Bulletin of the Atomic Scientists for the special issue published and circulated by the Fund for the Republic. J. Robert Oppenheimer was chairman at this time. Shils, with the same vehemence, condemns the Gray Commission's finding with respect to his loyalty. However, in his review of Evans, he accords to James Burnham, the author of the introduction to Evans' book, the same epithet treatment without apparent shame or remorse. Of James Burnham, Shils wrote:

After his flirtations with totalitarianism and with large-scale political prophecy \* \* \* in sponsoring this book, he makes himself the sponsor of an intellectually and amorally irresponsible fantasy, which stands firmly in a 150 year old tradition of political paranoia and disruption.

Edward Shils' The Torment of Secrecy, the research of which was financed by the Fund for the Republic, is a standard Shils' product. However, as is the case with either a propagandist or a dictator, each

## LINO REGAL—AB 122

advancement must include new gains if the following is to be appeased. With the technique of Gobbel, he makes statements of fact and findings on subjects which neither he nor the Fund for the Republic has conducted research.

The New Leader, January 9, 1956, published an article by Edward Shils, the Poisoning of Political Discourse. The New Leader in acknowledging the controversial nature of the article identified it as being one of the angrier sections of Shils' The Torment of Secrecy.

The Poisoning of Political Discourse is the perpetuation of another Fund-financed propaganda piece, The Kept Witnesses. Like the latter article by Richard Revere, it charges that the former members of the Communist Party who have testified in Federal courts or before congressional committees, are willing to continue their career of personal rancor and hatred, as long as the Department of Justice pays. FBI undercover agents, most of whom had no interest in communism, but joined the party solely at the request of the FBI, are described by Shils as individuals who give the appearance of broken careers, embitterment, shady existence and moral instability.

We have earlier in this report discussed the Fund for the Republic project, involving the analysis of the testimony of Government witnesses by Stanford University School of Law. We have shown from their documentation that the results of their analysis of the testimony of Government witnesses had not been made public by January 1948. We have shown further that Stanford University School of Law analysis was limited to only the testimony of four witnesses. Therefore, Edward A. Shils' blanket condemnation cannot be based on any study which he has made of the record.

Eugene Lyons, roving editor of the Reader's Digest and author of Assignment in Utopia, The Red Decade, Our Unknown Ex-President, and Our Secret Allies: The Peoples of Russia, replied to the Edward Shils article in the New Leader of January 30, 1956. Wrote Mr. Lyons of Edward Shils' condemnation of those who had testified against the Communist conspiracy:

His readiness to denounce all those who in the past 10 years have given personal testimony about an incomparably greater crime—the Kremlin-directed conspiracy to destroy his country by infiltrating its government and subverting its institutions—indicates that he would withhold valuable information reflecting on Soviet spies, if he had it.

The chairman of the Committee on Un-American Activities has questioned whether or not the Fund for the Republic and its operations was a friend or foe of the international Communist conspiracy. That is was a friend of communism in this endeavor by Shils cannot be doubted. No wonder Eugene Lyons, in his reply to Edward Shils, was constrained to write:

Can anything be more mean-spirited than his (Shils) blanket condemnation and reckless sneer of all former Communists who chose to make their special knowledge of Communist persons and their techniques available to the Government? Can anything be more ungenerous in his failure to make a single exception in his imputation of vicious and sick motivations to all who have given witness against Kremlin agents before legislative committees, in courtrooms, or in the Department of Justice inquiries?

Another benefactor of the Fund for the Republic's fellowship grant-in-aid program is Professor Walter Gellhorn. Gellhorn supposedly meets the test for integrity, constructive work, and engaging in activities which are of interest to the Fund for the Republic. He has associated in the past with Professor Cushman, consultant on this program in prejudiced attacks on legislative committees investigating communism. The Cornell series involving the Committee on Un-American Activities, the Tenney Committee of California, Washington State Committee, to name only a few, also resulted in books which the Fund for the Republic purchased and disseminated. Gellhorn has a personal stake in congressional investigating committees. He was witness before the committee in 1943. He is the author of an article entitled "Report on a Report of the House Committee of Un-American Activities," which appeared in the Harvard Law Review

## LINO REGAL—AB 123

of October 1947. This article built around the defense of the Southern Conference for Human Welfare condemned the Committee on Un-American Activities for exposing its Communist control. Incidentally, it is this same Southern Conference for Human Welfare which is to be the subject of discussion in the Fund's History of the Communist Party project, of which Gellhorn has been in some consultation. Gellhorn has a consistent record of opposing the Federal Government's loyalty-security programs, dated as far back as 1949. The committee's investigation has discovered that Gellhorn, typical of propagandists, is not governed by the Golden Rule. In 1949, Rabbi Benjamin Schultz, head of the Jewish League Against Communism, publicly protested the propaganda approach by which Gellhorn, Cushman, Carr, and Bontecou, etc., were approaching the investigation of legislative investigations of communism under the Rockefeller Foundation grant.

On October 25, 1949, Gellhorn wrote Rabbi Schultz a letter, which was intended to support Gellhorn's condemnation of a former chairman of the Committee on Un-American Activities, as well as the committee itself. Wrote Gellhorn:

On one occasion, early 1943, the then chairman of the committee, Representative Dies, described me as a lecturer of the Communist-controlled workers school \* \* \* in the light of its awareness of the true facts, the House committee never repeated the false assertion made by Mr. Dies.

To illustrate the propaganda technique of Professor Gellhorn it is interesting to compare his testimony before the committee in 1943 with the contents of his letter to Rabbi Schultz:

QUESTION. On February 1, 1943, Mr. Dies, of Texas, made an address before the House of Representatives in Washington. In that address he referred to you as follows:

Walker Gellhorn, assistant general counsel of the Office of Price Administration, in the New York office, at a salary of \$8,000 was a lecturer this week at the Communist Party Workers School.

Is that a correct statement of fact?

MR. GELLHORN. I don't remember whether it was within the week of his address, Dr. Matthews, but it is true that I made an address at the workers school.

QUESTION. Do you recall whether that address was made on or about January 23, 1943?

MR. GELLHORN. That is correct, January 23.

Marie Jahoda, New York University, is a regular member of the Fund for the Republic team. She has been used to "further the interest of the Fund" on some of the Fund for the Republic most deceitful projects. Marie Jahoda was born in Vienna, Austria. An Austrian Socialist, she fled the rise of Hitlerism by moving to London, from whence she immigrated to the United States. In the early 1930's, she was an assistant to Dr. Paul F. Lazerfeld, whom she has assisted in his Fund for the Republic project Fear in Education. It is alleged that they were at one time married. Since arriving in the United States, Marie Jahoda has contributed to a rise of socialism in the United States. Her opposition to the Communist Party revolves solely around the identity of the Socialist movement as the predominant Socialist movement in the United States. Her Socialist outlook accounts for her long opposition to loyalty-security programs and the refusal of the American people to accept the philosophy of atheism and socialism. A supporter of amnesty for American Communists convicted under the Smith Act, she was invited as an observer to the Communist Party convention held in New York in February 1957.

Maria Jahoda has been rigging questionnaires, the answer of which were preconceived for many years.

In cooperation with Stewart W. Cook, she submitted an article for the Yale Law Journal entitled "Security Measures and Freedom of Thought: an Exploratory Study of the Impact of the Loyalty and Security Programs." The article results from a survey of security measures as they apply to the "college faculties and the Federal employees." The objectivity of this study is immediately apparent when we realize that the condemnation of the security measures dealt with in the article is based on interviews which were conducted with "15 faculty members from different universities and with 70 Federal employees of professional rank in Washington, D. C." Even the classification of Federal employees interviewed as being of professional rank is disputed, in light of the fact that some of the Federal employees were classified as GS-5.

## LINO REGAL—AB 124

The technique of the authors in conducting the interview is evident by the hypothetical situations which were created in the interview and the use which the authors used of responses to these hypothetical situations, for their condemnation of security measures. An example of this is set forth in the article:

Think of one of your colleagues at work, whom you know well enough to be convinced of his loyalty. I want to ask you a number of questions with regard to this colleague. Don't answer in general terms, but take a special situation and characteristics into account. Suppose that this person comes to you, obviously worried, to ask for your advice. He thinks that his loyalty is suspected. He has just discovered that his neighbor with whom he is on friendly visiting terms has been accused of being a Communist. Your colleague wonders what to do. The situation is complicated by the fact that he has just been offered a job outside the Government which is reasonably attractive, although he wouldn't ordinarily accept it. He is pondering the following alternatives: (1) Take the outside job. (2) Talk immediately to loyalty board or security officers about the situation. (3) Stay and wait without doing anything about it.

With the vast knowledge that the committee possesses of the Federal loyalty-security program, it can be clearly stated that there are no provisions of the loyalty-security program which would justify the hypothetical situation presented by the authors. The Government employee would certainly not be the subject of any loyalty-security charges on the meager information contained in the hypothetical presentation. Therefore, in choosing this hypothetical situation, the authors were looking forward only to the use they could make of merely every answer as a criticism of the program as a whole.

The authors used their anonymous respondents to infer that Federal employees, holding high positions in Government, were becoming involved in investigations because of contributions of \$1 to an organization which turned out to be Communist. The authors also used their anonymous respondents to make charges that it was not the official loyalty program but the impact of congressional interference which prevents nonconservative people from getting jobs. Using the same anonymous respondents, the authors paint the loyalty-security program as being one which is suspicious of people with foreign-sounding names; having been in college during the depression; not members of an organized church; those who actively work in an election campaign; and union members because they are in the minority in Government.

An advocate of religion is not a free thinker, according to the authors, and the 20th century Christian ceases to believe in miracles.

This theory was used by the authors to explain how prior to World War II, when an applicant was not hired for Government service, it was assumed that he was not good enough for a position, while today it is assumed that he is a Communist. As set forth in the article, the comparison is treated as follows:

A Christian in the fourth century, when confronted with evidence that a dead person had stood up in his deathbed and lived, would probably have thought immediately of miracles and Divine interference. A 20th century Christian or a free thinker [atheist] confronted with the same fact would probably have his thoughts turn to the development of surgical skill in heart operations.

A Federal employee right before the last war, when confronted in a conversation with his superior's hesitation in accepting a possible candidate in his department, might have concluded that the candidate was not good enough for the job, or had an unpleasant personality. In 1951, as recorded above, the question is asked, Is he a Communist?

With 15 anonymous faculty members and 70 anonymous Federal employees to act as patsies, the authors covered the entire field. How this limited group could possess such wide knowledge, the authors did not bother to explain. They merely write:

The Hatch, McCarran, Smith Acts were brought into the field of discussion. Speeches in Congress, the role and functions of the FBI, departmental routine checks, and special investigations; security procedures, and loyalty procedures; State, municipal investigative programs; the Un-American Activities Committee; the procedures of broadcasting companies and of private industry; the activities of various private organizations self-appointed to improve the Attorney

## LINO REGAL—AB 125

General's list of suspect organizations—they are all mentioned as an integral part of the security measures to which the respondents addressed their comments.

The authors also fail to explain the context in which there was discussed "the procedures of broadcasting companies and of private industries." Whatever the context, it was a subject of ignorance to Marie Jahoda, who in January 1955, wrote John Cogley, in connection with his request of her to "study the psychology of blacklisting." She wrote Cogley, "We are not familiar with the intricate structure of the entertainment industry." In accepting the offer of John Cogley to contribute to the Fund's propaganda study of blacklisting—movie, radio, television—Marie Jahoda acknowledged that Edward R. Murrow, whom we have previously discussed was playing a role of directing the blacklisting project. In addition she submitted to Cogley a list of psychologists to participate in a conference for the purpose of establishing a strategy to be followed. Among those invited were Dr. Viola Bernard, Dr. Edward Boring, Dr. Stuart W. Cook, Dr. Nevitt Sanford, Dr. M. Brewster Smith, and Dr. Goodwin Watson.

An examination of the background of the above individuals recommended by Dr. Jahoda recalls the adage, "Birds of a feather flock together."

It will be noted that Viola Bernard was identified an active participant in a study of the impact of loyalty oaths; Dr. Jahoda failed to set forth that she was in opposition to the Committee on Un-American Activities and had publicly called for its abolishment.

Dr. Edward Boring, in addition to being chairman of the American Psychological Association, Committee on Freedom of Inquiry, had publicly opposed the Committee on Un-American Activities from the days when it was a special committee under the chairmanship of Martin Dies, of Texas. He has also publicly opposed legislation intended to restrict the activities of the Communist Party of the United States, its members, and its front organizations.

Stewart Cook, as reported above, collaborated previously with Dr. Jahoda, including the study of security measures, the finding of which were based on alleged interviews with 15 college faculty members and 70 government employees.

Dr. Sanford, as reported by Dr. Jahoda has published a study of the California University loyalty oath situation, and his lack of objectivity can be easily determined by a review of his published study.

Dr. M. Brewster Smith, in addition to opposing congressional investigations, opposes investigations of foundations. Rather than this bias disqualifying her or the other members of the panel discussion, it appears that her position on foundations was the factor which dictated her selection.

If there was needed further proof of the lack of objectivity of Dr. Jahoda, her recommendation of Dr. Goodwin Watson would in itself be sufficient. Dr. Watson's association and public activities, which have from time to time supported causes of international communism have been the subject of public discussion over many years. To remove him from the Federal payroll, the Congress of the United States enacted legislation withholding funds for the position which he held. He has been a witness before the Committee on Un-American Activities and has consistently and publicly called for its abolishment. While they knocked down the legislation denying funds to pay for Dr. Watson's employment, as a bill of attainder, he continued to support causes, including the Communist-directed riots which revolved around Paul Robeson's appearance in Peekskill, N. Y.

Not only was Dr. Watson suggested as participant in this conference, but the officers of the Fund for the Republic approved an award in his behalf similar to the Mary Knowles type award. Like the Mary Knowles award the officers of the Fund for the Republic approved the award, decided on the amount, recommended it to the Fund board of directors and then dispatched Maureen Black Ogden to make the investigation. By the time the Fund for the Republic got around to even considering the award to a medical center and to Community Chest groups, in up-State New York, there was not even a controversy remaining. Dr. Watson had been retained by the medical center in a consultant capacity. Maureen Black Ogden, the Mary Knowles

## LINO REGAL—AB 126

award investigator made no independent investigation of the facts surrounding Dr. Goodwin Watson. She interviewed only those individuals who supported the action of retaining Dr. Watson.

While three Community Chest groups were originally in this discussion revolving around Dr. Watson, Matreen Black Ogden recommended against an award to one, because she did not believe that the discontinuance of financial cooperation between the medical center and the Community Chest were as represented by even the proponents. She did not believe that the discontinuance resulted from the policy that recipients of Community Chest funds could not participate in other fund-raising activities. But as we have stated there was no controversy at the time the Fund considered the award, and the only purpose which could be served by the Fund for the Republic were reasons similar to the Fund's reasons for making the Mary Knowles award: namely, the encouragement of organizations to hire individuals who have long records of support of Communist causes, including one-time Communist Party membership, as in the case of Mary Knowles.

Without discussion, the directors of the Fund for the Republic on November 17, 1955, reconsidered their action and suspended the awards which it had previously voted. In suspending the award the Fund withheld its action from the press as contrasted to a nationwide press release at the time the award was made. Not until the 9th of December, did the Daily Times of Mamaroneck, N. Y., learn of the suspension of the award by making direct inquiry of the Fund itself. Fund propagandist, Joe Lyford, is quoted in the December 10, issue of the Daily Times as refusing to give a reason for the suspension "saying only that it had been discussed by the Fund's board of directors at a meeting on November 17." Lyford, according to the press, stated that while the awards had been suspended, the offer could be reexamined at any future board meeting. The committee, in June 1957, asked the Fund for the Republic for the reasons behind the Fund's suspension of the awards. Verbally Fund counsel advised that the awards were in fact, canceled. By letter dated July 2, 1957, to Chairman Walter, he responded,

I am informed that the files do not reflect any reasons for the suspension. It was initiated by the members of the board of directors at a meeting.

The lack of objectivity on the part of the Fund for the Republic and its consultant, Professor Cushman, is reflected in its fellowship or grant-in-aid to John W. Caughley, University of California at Los Angeles. The Fund for the Republic publicly designates the purpose of the grant to Caughley as being "to complete a study of intellectual freedom in American colleges and universities since the close of World War II."

Caughley was 1 of 23 faculty members of the University of California who refused in 1949 to execute the university loyalty oath. Irrespective of the fact that the California courts declared the oath unconstitutional and Caughley was reinstated to his position, his objectivity in such a study is completely destroyed. His involvement in the University of California loyalty oath controversy was a matter of national knowledge and was certainly known by the Fund for the Republic when it granted the order.

Another grant of the Fund for the Republic was made to Laurent Brown Frantz for the purpose of analyzing the testimony of FBI Director J. Edgar Hoover before congressional committees. The Fund for the Republic in listing its recipients of fellowships and grants-in-aid for some reason fails to list the grant to Laurent Frantz. It could well be that the Fund for the Republic desired to withhold this information for the reason of the fact that Laurent Frantz has been publicly identified as a member of the Communist Party. By his own testimony before this committee it is evident that he was highly trusted by the Communist Party. In this testimony, while he denied a formal card-carrying connection with the Communist Party, Laurent Frantz testified that he had a key to the Communist Party headquarters and had access to it at any time he desired, such access including the Communist Party records. The committee, interested in how a Communist would analyze the testimony of FBI Director Hoover, has requested a copy of Frantz' analysis on several occasions from the Fund for the Republic. On one occasion, we were

## LINO REGAL—AB 127

advised that the analysis was not available, and in a June 1957 conference a staff member of the committee was advised by Fund counsel that the Frantz analysis was in possession of Professor Rossiter, the director of the Communist history project. Counsel promised to obtain the analysis from Professor Rossiter and submit it to the committee for examination; however, again the Fund failed to comply with the committee request.

The Fund for the Republic made either a fellowship or a grant-in-aid to Ralph Guzman, ~~Alianza Hispano-Americana~~. According to the Fund, the purpose of the grant-in-aid or fellowship was "to investigate and report on cases handled by immigration authorities involving the loss of United States citizenship of Mexican-Americans." The organization Alianza Hispano-Americana received an appropriation of \$50,000 from the Fund for the Republic, subject to the organization obtaining a tax-exempt status. Because of the political nature of the organization and its interest in legislation, the organization never received the \$50,000 from the Fund for the Republic. Yet, in spite of this background, the officers of the Fund for the Republic, and its consultant, Cushman, made the award to an individual who, himself, like the organization has publicly condemned security legislation, as well as the Immigration and Nationality Act. It is difficult to understand how the Fund for the Republic can maintain a position that it does not engage in political or legislative activities in light of its operations. The end product of Guzman's grant or fellowship which will most likely be a book, the contents of which will contain no surprises.

Herbert M. Levy, New York City, received a grant-in-aid or fellowship to "prepare a study on postconviction remedies, entitled 'Justice—After Trial—To Persons Convicted of Crime.'" It is difficult from the title to determine the subjects to be treated by Levy's article or book, which will be the end product of the Fund grant or fellowship. It is interesting that Herbert M. Levy is on record as opposing legislation which bars Communist teachers from the New York school system, opposing loyalty oaths for atomic fellowship recipients, and publicly criticizing loyalty procedures. His lack of objectivity on higher issues involving Communist Party members and procedures intended to restrict their activities, seems to question his ability to be objective in the study financed by the Fund for the Republic. There can be no doubt that the Fund for the Republic was aware of his stand on these issues at the time he was given the grant by the officers of the Fund and its consultant, Cushman.

Arnold A. Rogow, State University of Iowa, received a grant or fellowship for "a study on the state of civil liberties in Iowa, with special reference to proposed loyalty oaths." Arnold A. Rogow, at the time he was conducting his study under the Fund-approved grant or fellowship, was on the advisory council of the Emergency Civil Liberties Committee, which is currently leading the Communist Party campaign to abolish the Committee on Un-American Activities. This fact alone appears to the committee to be sufficient to question his objectivity in a study of loyalty oaths.

The committee does not possess sufficient staff to conduct a complete analysis or investigation of all recipients of Fund fellowships and grants-in-aid. The committee feels that the sampling which we have commented upon above, justifies a finding on the part of the committee that the program was designed for the purpose of propagandizing a way of life acceptable to the Fund for the Republic officers and Fund consultant, Robert Cushman.

It is evident from the nature of the grants that the objective presentation of facts which the Congress intended of all educational organizations qualified as tax exempt, is clearly not met in this program of the Fund for the Republic, nor in many of its other programs. There is no doubt that of the total expenditures of this program that a substantial financial contribution was made by the Fund for the Republic for the purpose of permitting the officers of the Fund, the Fund consultant, and the recipients of grants to propagandize the American people.



# LINO REGAL—AB 128

## DISTRIBUTION OF MATERIALS

The committee has previously stated, and it now wishes to repeat for emphasis, that we do not question the right of an individual to advocate whatever he desires to advocate, short of the advocacy of the overthrow of the United States by force and violence or other advocacies outlawed by our criminal statutes. The committee makes a big distinction between an individual's advocacy of a cause of action and the adoption and perpetuation of the advocacy by a tax-exempt foundation. An individual, under the law, is not the recipient of tax-exempt privileges from the United States. The individual does not apply for tax-exempt privileges and, at the same time, agree to abide by the law and regulations adopted to support and strengthen the law, as a condition of tax exemption. It is the committee's considered opinion that the Fund for the Republic has attempted, by fraud, and misinterpretation of Treasury regulations, to carry out propaganda in violation of law and regulations. In calling to the attention of the Congress the findings of the committee relative to publications which the Fund for the Republic has purchased and distributed with tax-exempt money, the committee is dealing with the publication as a distribution of the Fund and not as a demand that the individual's right, to write what he pleases within the limits described in this section, be abolished or even restricted. They are discussed to show the propaganda nature of the Fund for the Republic and as expenditures which, added to other Fund expenditures, constitute a substantial expenditure of tax-exempt money in the interest of propaganda or in the interest of influencing legislation.

In other sections of this report of the Fund for the Republic, the committee has discussed the propaganda nature of such distributions of the Fund as Bulletin of Atomic Scientists, April 1955; The Oppenheimer Case, by Charles P. Curtis; National Security and Individual Freedom, by John Floyd O'Brien, a Fund director; A Way To Be Safe Is Never To Be Secure, by Charles P. Curtis; Cornell University Series on Civil Liberties—Civil Liberties in the United States: A Guide to Current Problems and Experience, by Robert E. Cushman, Fund consultant of fellowship and grant-in-aid program; The Pseudo-Conservative Revolt, by Richard Hofstadter; Clearing the Main Channel, the 1955 Annual Report of the American Civil Liberties Union; and The Kept Witnesses, by Richard H. Rovere.

The background knowledge which the Fund certainly possessed of Richard H. Rovere is interesting in the light of the Fund commissioning him to prepare a pilot pamphlet on the subject of civil liberties. Also, his qualifications as a consultant to the Fund on such projects as the analysis of the testimony of former Communists, who had testified before the Government in congressional hearings, administrative procedures, and the United States courts. The committee is unable to report, from records of the Fund for the Republic, the circumstances which led up to the Fund's commissioning Rovere to prepare the pilot pamphlet, or the details of his consultant capacity with the Fund. It is unable to do so, because the Fund has refused to produce the documents. Its first reason for refusal to produce was related to a libel action, which has been filed against both the Fund and the author of the pilot pamphlet, Richard Rovere, by Dr. Bella V. Dodd.

The subsequent and final declination of the Fund to produce the Rovere document, as well as all other internal documents of the Fund, was in the form of the Fund's invocation of the Watkins' decision of the Supreme Court by questioning the legislative jurisdiction of the committee. There can be little doubt that the Fund's refusal to produce these documents, together with the other documents that it has refused to produce, is intended to make difficult the further establishment of the Fund as a propaganda vehicle. To understand the background of Richard H. Rovere, for the purpose of understanding The Kept Witnesses, it is necessary to review some issues of New Masses during the time Rovere was a member of its staff. In the issue of February 15, 1938, Rovere reviewed The Life of Jesus by Conrad Noel. Noel was yicar of Thaxted, who, according to Rovere, braved the official wrath of the British Tories by flying the flags of St. George, Sinn Fein, and the International from his church flagstaff. Noel,

*John Lord  
O'Brien*

## LINO REGAL—AB 129

writes Rovere, insisted Jesus was a Communist, that he was baited by the Hearsts, hounded by the vigilantes, and maligned by the chamber of commerce. Rovere argues that, according to Marxism, no two historical events are identical. Thereafter he leaves the impression that his principal complaint against Noel is that Noel erred in his attempt to raise Jesus (the Son of God) to the same level as Lenin.

Only Richard Rovere knows the extent of his affiliation with the Communist Party at the time he wrote the review of *The Life of Jesus*. And only he can tell what he meant by the words "our movement" as it appears in this article. Writing that Marxism is not served by malpractitioners, Rovere wrote:

We will not, as Dorothy Canfield Fisher suggests in the *Saturday Review of Literature*, try to lower Christians into our movement by offering this book as substantial proof that Jesus was on our side on every point.

Other articles reviewed by the committee, as written by Rovere during the year 1938, conclusively establishes affiliation on his part with the Communist Party, either the Communist Party itself, or the Young Communist League. Toward the end of 1938, Rovere was listed as associate editor of *New Masses*. In the December 13, 1938, issue, Rovere offered an article entitled "School for Workers". This article is about a school operated by the Communist Party. The treatment of the school is the treatment of a member. His knowledge of the operation of the Communist Party dictates that the story would have been entrusted only to a party member.

The intention of the Fund in commissioning the Rovere pamphlet is locked within the files and knowledge of Fund officers. We have previously shown how this pamphlet was rejected by the directors of the Fund has actually awarded, or appropriated funds to award, reprint of an article from a national magazine and then distributed in the name of the Fund by the officers of the Fund, in spite of its rejection by the board of directors. But irrespective of the intent, the effect is to dry up as sources of information, available to both the FBI and congressional committees, the flow of testimony from former members of the Communist Party. The propaganda attack which followed the Rovere article influenced both the courts and the Government itself. The administration thereafter dropped many former Communists from their consultant roles and made possible the non-detection of many subversive agents. We have previously shown how the Fund has actually awarded, or appropriated funds to award, those individuals who have refused to testify. Amos Landman was awarded by the officers themselves, by being given a position with the Fund.

Even in the case of employment of Amos Landman, the Fund for the Republic deceived the press and the American people about the circumstances which surrounded his employment. In a press conference held on November 7, 1955, Robert M. Hutchins defended the Fund's employment of Amos Landman by stating that he had been qualified for a part-time temporary press relations job he held from July 28 until last Tuesday. Amos Landman was employed as public relations director of the National Municipal League, from August 1, 1954, until July 1, 1955. On June 30, 1955, he was called before the Senate Internal Security Subcommittee, following his having been identified as a member of the Communist Party. Landman invoked the fifth amendment with respect to the testimony which the committee had taken in regard to his Communist Party membership. On July 1, 1955, he submitted his resignation, upon request, from the National Municipal League.

Landman prepared and submitted to the National Municipal League, a statement explaining his reasons for invoking the fifth amendment. This statement, the principal parts of which appeared in the press, claimed that he invoked the fifth amendment in order to avoid identifying other members of the Communist conspiracy. On July 13, 1955, Landman was recalled before the committee in order to test the validity of his invocation of the fifth amendment, which validity Landman had questioned in his statement and press release. In his second appearance, Landman still continued to refuse to discuss his membership in the Communist Party or to even admit that he had been a member, as had been testified to under oath.

## LINO REGAL—AB 130

Hutchins, in his press conference of November 1955, acknowledged that Landman was employed by the Fund for the Republic commencing July 27. What he did not point out to the press, was that the directors of the Fund for the Republic did not approve the employment of Landman, and as a matter of fact, were not even apprised of his employment until almost 2 months after he was employed. The board of directors of the Fund were apprised of Landman's employment by a memorandum from Robert M. Hutchins, dated September 16, 1955. Hutchins, in his memo of September 16, advised the directors that Landman had been hired as a temporary assistant in public relations to the Fund, at \$50 per day, per diem, on the understanding that he would work 3 days a week. Hutchins then advised that Landman had been very useful to the Fund and that he was seeking permanent employment on the days that he did not work for the Fund.

The claims of Hutchins that Landman was hired at \$50 per day, per diem, on the understanding that he would work 3 days a week, or that he was hired for a part-time temporary press relations job is certainly in variance with a document in the committee's possession covering his employment. On July 27, 1955, Joseph P. Lyford, the Fund propagandist, addressed a memo to Fund treasurer, Gardner. With respect to the terms of Landman's employment, Lyford wrote to Gardner that Landman was being retained by the Fund as a consultant in public relations for from 7 to 10 days. As to whether his consultancy constituted a part-time temporary press relations job, as alleged by Hutchins, it seems doubtful in light of Lyford's memo, that Landman would send Treasurer Gardner an accounting of the number of days he worked when his project is completed.

For his silence, the Fund for the Republic awarded Amos Landman, to the tune of \$2,575, for 32 full days and 19 half-days of work, or compensation in excess of \$15,000 per annum. As for Landman's contribution to the Fund for the Republic which would justify the payment of \$2,575, the Fund, in response to a request of the committee for copies of the work in which Landman participated, submitted a half dozen Fund for the Republic press releases.

It is little wonder that the directors of the Fund for the Republic at one of their first meetings in 1956, adopted a resolution which barred from employment with the Fund for the Republic such as Amos Landman. In spite of this resolution, the Fund for the Republic has appropriated several hundred thousands of dollars to conduct research for the purpose of condemning the Government, private industry, and educational institutions for their refusal to continue Communists in their employment. The resolution as adopted by the board of directors of the Fund, reads as follows:

1 It shall be and is the policy of the Fund that no member of the Communist Party shall be employed for any purpose, and

2 No former member of the Communist Party and no person who has pleaded the fifth amendment relevant to circumstances will be employed for any purpose, or receive a grant-in-aid, or be given a fellowship, except with the approval of the board of directors.

Faceless Informers in Our Schools, is a pamphlet reprint of newspaper articles and editorials. The Fund for the Republic, using tax-exempt money, paid for the printing and distribution of 25,000 copies to State and local school-board associations. The pamphlet is an attempt to discredit the Federal Bureau of Investigation, congressional investigating committees, and school administrations throughout the United States, as a defense of Communist teachers who had been removed from their teaching positions. In the preparation of the series of articles, it is evident that the author utilized two codes of ethics. In quoting a United States Senator, whom the author claimed refuses to give information to the Federal Bureau of Investigation, the author gave the Senator's reasons, as follows:

He wouldn't say anything good or bad about an individual, so long as there was danger that his words, unevaluated and unauthenticated from another source, might be twisted into innuendo, suspicion, or used as a trap for a person not permitted to face the informant, used finally to bring professional and personal ruin to the individual.

The author of the series, approving of this position which he attributes to a United States Senator, rejects it in his attempt to intimidate the Federal Bureau of Investigation. In the main, these series of articles are unevaluated and unauthenticated, and have been twisted

## LINO REGAL—AB 131

into innuendo, suspicion, or used as a trap for a person not permitted to face the informant.

In the first of the series of articles, it would appear that the author of the series engaged in considerable travel and research to obtain the evidence upon which his series was based. There can be no doubt that the author used the series for the purpose of traveling around the United States, from the east coast to the west. Two articles are devoted, exclusively, to California.

Claim that California, using "techniques of McCarthyism, years before McCarthy was heard of," takes high rank among the States in the vigor and expensiveness in which the investigation of Communist infiltration has been pursued. While several dozen California teachers have been public witnesses before the Committee on Un-American Activities, the author selects only two to document his "faceless informant" attack upon the FBI and legislative investigative committees. He used the two cases, in spite of his own observation, that "isolated cases obviously are not fair criteria of a general situation." One teacher whom the author kept anonymous was one whom admitting Communist Party membership, found herself in conflict with school administration on the date on which she served her Communist Party membership. She did not request a hearing on the charges because, according to her, "a member of the school board advised her privately to withdraw her request for a hearing." No effort was made on the part of the author to determine the facts from either the alleged school board member or the school administration authorities. The author preferred to condemn this severance of a teacher solely on the teacher's unverified word.

In another article relating to California, which appeared in the press of September 29, 1954, the author dealt with an ex-California teacher, "Harry Steinmetz, one of more than 100 dismissed from California schools and colleges since 1952 on suspicion—though not always on the direct charge—of subversive associations or belief." The background of Steinmetz is set forth in part, as follows:

Steinmetz was an associate professor of psychology at San Diego State College. Under the Dillworth law, and on information from an undisclosed source, Steinmetz was called before the State board of education. He refused to answer questions. Broadly stated, his position was that the board, or whoever had evidence reflecting on his loyalty, must prove his guilt. He said the board had no right to force answers from him that might be held to incriminate him, or to make his political beliefs an issue.

Let us compare the author's charge that Steinmetz was fired from his associate professorship at San Diego State College, "on information from an undisclosed source." Let us compare this statement with printed hearings of the Committee on Un-American Activities, released in April of 1953, a year and a half prior to the author's article of September 30, 1954. Examining the transcript of testimony taken by the committee on April 7, 1953, we find that a witness called by the committee was Harry C. Steinmetz, who identified himself as an associate professor at San Diego State College and is therefore the same individual referred to in the author's article. During the course of the testimony, he was confronted with the testimony of a witness before the committee who had identified him as a member of the Communist Party, and he invoked the privilege of possible self-incrimination in refusing to answer questions as to whether he had attended a Communist Party meeting with the witness. On other questions relative to his relationship with the Communist Party, Steinmetz invoked the protection of the 1st, 4th, 5th, 6th, 9th, and 10th amendments to the Constitution of the United States.

The newspaper originally publishing this series of articles, had a perfect right to misrepresent the facts if it desired to do so, which it apparently did. The Fund for the Republic in expending tax-exempt money to reproduce and distribute the series of articles to State and local school board associations, had a moral and legal obligation under the law to determine both the accuracy and the objectivity of the articles which it was reproducing with tax-exempt funds. This is especially true in light of the fact that several of the articles dealt with the Communist teacher situation in New York City and the State of New York.

The author of the series of articles received much of his critical information on New York City's handling of Communist teachers

## LINO REGAL—AB 132

from the Teachers Union in New York City. This union was expelled from the A. F. of L. for its Communist domination, and it was known as a Communist-dominated union by everyone, including directors of the Fund for the Republic, since the early 1940's. Mr. Hutchins is probably the only exception. Hutchins did not know this fact, however, until March 1954. In February Hutchins had agreed to accept a Teachers Union award for his "valiant and unswerving defense of intellectual freedom." In March Hutchins sent the Teachers Union the following wire:

Reports that have just reached me regarding the political attitude and activities of the Teachers Union raise doubts about whether its views of academic freedom coincide with mine. I must, therefore, decline to accept the award the union has offered me:

Communist domination is still a political activity, and while Hutchins refuses to accept the Teachers Union award, he expends tax-exempt money to circulate as factual charges Teachers Union portrayals of the methods used by the city of New York in investigating Communist teachers. The incompetence of the Fund, in circulating "Faceless Informers in Our Schools" is demonstrated through the examination of a recommendation of Fund Director Schuster. This was adopted by the board of directors in 1953, long before the series of articles were even conceived.

### THE COMMUNIST INFLUENCE IN EDUCATION

Preamble: This survey should be divided into two parts, the first having to do with education in elementary and secondary school level, whether of public or private character. The second should be concerned with communism in colleges and universities.

1. Insofar as the first area is concerned, the Communist influence will probably be found restricted to urban areas. Information concerning some of these is available from a number of sources. In New York, for example, the central agency through which the party has worked is the Teachers Union, which was expelled from the CIO because it was allegedly dominated by Communists. Hearings conducted by the board of education have likewise unearthed considerable information.

Quite a little is likewise known about the methods employed by Communist teachers to recruit young people for the cause. The various pro-party organizations, e. g., A. Y. D. and Y. P., should, however, be investigated further, and if it is possible to secure assistance from the FBI in this matter, the study will be facilitated.

Attention should also be given to the camps maintained by pro-Communist organizations for indoctrination purposes.

A study of Communist attempts to capture Harlem and their failure to throw considerable light on the methods used and the extent of success.

The study should be so organized that the correcting body will include three school superintendents of established reputation. One of them might be Dr. Janzen, of New York. And if it is possible to secure the services of a former high-placed FBI officer, the advantage would be very great. This study should also have the benefit of the advice of special legal counsel of the highest quality, of a distinct and well-informed labor official, and a trained specialist in social research. Parts of the study might be farmed out to other groups.

2. Insofar as higher education is concerned, various sources of information are likewise available. These include the findings of the New York Rapp-Coudert committee, and the reports on situations existing in the University of California and Washington, but it must be recognized that the facts will be harder to come by than they are in the field of lower education.

The areas to be investigated are roughly comparable. They will include teacher organizations, publications (e. g., science and society), methods of influencing or infiltrating students' groups, in publications, etc.

A very important field for study is afforded by the special schools, such as the Thomas Jefferson School, in New York, which offered training in the social sciences.

This study should be so organized that while there will be an overall group responsible for the project as a whole, individual segments will be farmed out to groups specifically qualified to deal with segments of it.

In spite of this knowledge possessed by the directors of the Fund for the Republic, the Fund paid for the Communist-dominated attack by the Teachers Union of New York as used by the author of the series dealing with New York. The Fund for the Republic even financed hearsay, once removed. The Communist teachers, separated from the New York system, complained to the author of the series of articles, that the New York City school system was attempting to entrap them during preliminary interrogations. The author, unable to find proof, supports the claim of the Communist teachers with this statement:

Another New York school official, a recent visitor to Colorado, frankly told Dr. H. Greenest, Colorado State school commission, that "we tried to trap them whenever we can."

## LINO REGAL—AB 133

The author of the series would have us believe that the word of the Communist teacher, who was either dismissed or who resigned rather than face the hearing, should be accepted without an attempt to verify. The author quoted these individuals as a condemnation of the New York system of removing Communists from the schools. The Committee on Un-American Activities has investigated and can establish the falsity of many of the situations reported by the author as being factual. The committee, of course, was unable to verify or even investigate the former schoolteacher who, according to the author of the series, just happened to be driving the taxicab that he ordered to take him to the offices of the New York City school system. This story served the purpose of the other and was reported by the author with the caption "True or False, Here Is His Story."

In order to demonstrate both the prejudice and smear technique of the author of the series, we shall discuss one of his New York cases, which the author builds around an interview with the assistant corporation counsel of the city of New York. Writes the author:

He told of one case in which a "source of information, formerly a Communist Party member, had stated that a schoolteacher, whose father had been a private music tutor, had been a member of the same Communist Party cell." In that particular case, the informer was completely mistaken. The person he accused was somebody else entirely, and fortunately for the teacher, that fact was proved in time. It would have been proved sooner if the accused teacher had been allowed to face the informer.

These are the facts as uncovered by the committee, and in our opinion again adequately demonstrate the lack of objectivity on the part of the author. The source of information was as is quoted by the author of the series. However, the subsequent events developed in this manner. An investigation determined the identity of the schoolteacher who met the description given by the informant. The informant was a schoolteacher who had cooperated with the school authorities, and made available the knowledge the informant possessed of the Communist Party, its operations and its members. The assistant corporation counsel thereafter ordered the school personnel section to have the employee brought before him for an interview. When the employee was interviewed, it was immediately learned that the background of her father did not coincide with the information given by the informant, and the interview was terminated. It was then found that within the school system, there were two teachers with the identical same name and that the personnel section had erred. The second teacher fit the description of the informant and was thereafter processed as a loyalty suspect case. As can be shown from the factual reproduction of events, there is absolutely no justification for the author's claim "the person he accused was someone else entirely, and fortunately for the teacher that fact was proved in time. It would have been proved sooner if the accused teacher had been allowed to face the informer."

The author of the series of articles dealt with teacher situations in Michigan and Baltimore where the committee also conducted investigations. And the author's technique of presenting unevaluated and unauthenticated material as factual can clearly be demonstrated by a review of the printed proceedings of the committee's investigations which are public property. Many items attributed to the committee or to the FBI cannot be answered with documentation because they are not based upon facts. The technique of the articles is similar to the adage which revolves around "If a lie is told often enough."

The unanswerable items revolve around the hearsay treatment. The author charges the Federal Bureau of Investigation and legislative committees as being "faceless informers" and supports it with such statements as "local school people 'understood' the FBI was the source." The author using the same hearsay technique charged "the FBI was tied in there also, as providing aid to the committee" in connection with the committee's investigation of Communist teachers in Michigan and California. The author quotes the general counsel of the State department of education in New York as stating that they "get no information directly from the FBI" about subversion in the schools. Yet, to infer that the general counsel is a liar, he refers to anonymous individuals within the New York educational system as stating that they understood that the FBI was the source. Many more items could be documented as evidence against the appropriateness of the Fund for the Republic in expending tax-exempt money to reproduce and distribute the series of articles. There is no doubt in the mind

## LINO REGAL—AB 134

of the committee that the distribution of this pamphlet to State and local school board associations is intended to protect the employment of Communist teachers in our educational institutions.

Tom Paine Talks Back to Providence is a reprint of an article by Henry Steele Commager from the Saturday Review. The Fund for the Republic expended tax-exempt money to reproduce and distribute 10,000 copies to "educators, lawyers, civic organizations, labor officials, United Christian Missionary Society and other denominational groups, Albany Board of Education." The article is a criticism, in satire, of the loyalty-security measures as they involve Communists employed in Government, as schoolteachers, etc. Commager, as author of the satire, creates a setting which infers that there is no difference between the advocacies of Tom Paine and the advocacies of the Communist Party, internationally, or in the United States. Commager creates the chairman of the committee questioning Tom Paine's loyalty, and places questions and statements in the mouth of the chairman to accommodate the answers of Tom Paine. Needless to write, Commager uses the article to justify two advocacies: the advocacy of the Communist Party of the United States which he defends through statements by Tom Paine, and the advocacy of himself with respect to loyalty-security measures. In 1947, even before the institution of the loyalty program by President Truman, Commager was protesting against one as the reincarnation of the "red scare in the twenties." By April of 1947, Commager was authoring such works as the Washington Witch Hunt, which appeared in the April 5 issue of the Nation. In this article, Commager charged that the Federal Bureau of Investigation wished "to deny Communists their constitutional rights of freedom of speech and of assembly." Between 1947 and 1949 Commager's attack was on the investigation of Communists in Government and the protection of Communists by his condemnation of congressional investigating committees. In July 1949 he authored Redbaiting in the Colleges, which appeared in an issue of New Republic. In this article, he protested the dismissal of Communist Party teachers by conferring upon the Communist Party of the United States the political status similar to that of the Democratic or Republican Party. Built around the three faculty members dismissed by the University of Washington as members of the Communist Party, Commager asked, "Could State or university authorities require teachers to reveal membership in the Democratic Party or Republican Party, or punish with dismal failure to reveal such membership?" By 1951, Commager was describing the loyalty oath as "fatheaded, feeble-minded."

By November 1955, when the Fund for the Republic expended tax-exempt money to reproduce and distribute Commager's satire treatment of loyalty-security measures, he was publicly exposing the atomic-energy security program, the denial of passports to Communists, the denial of employment to Communists in the movie-entertainment industry, opposition to congressional investigations of communism, opposition to legislation designed to contain the subversive movement of the Communist Party of the United States, and in his field of education the denial of employment to members of the Communist Party.

The committee charges that the Fund for the Republic in reprinting and distributing this satire by Henry Steele Commager did so for the purpose of weakening security measures, and endowing the right of a member of the Communist Party with the absolute right of being employed where he, the Communist, decides that he desires to work.

Government by Investigation is a book by Alan Barth, associate editor of the Washington Post and Times Herald, which the Fund for the Republic purchased 850 copies for distribution to certain members of the press and civic leaders selected by the publisher. Like Henry Steele Commager, neither the Fund for the Republic nor, we presume, even Mr. Barth himself would consider Government by Investigation as an objective work. Mr. Barth expresses his opinion that the Congress of the United States and the American people are not entitled to information on espionage conducted by the Soviet Government through the assistance of American citizens and residents unless there are indictments by a grand jury. He distorts proceedings of the committee and supplies justification for Communists who



## LINO REGAL—AB 135

invoked the fifth amendment merely as a protection of the Communist conspiracy. With over a 15-year history of the Committee on Un-American Activities before him, which history does not reflect the conviction of one witness before the committee for perjury based on his testimony before the committee, Mr. Barth writes:

Any witness before a congressional investigation committee who denies Communist affiliation or sympathies runs the risk of having to defend himself against a perjury charge, and the defense may be exceedingly difficult. Some of the investigating committees turn readily, and with unreserved credulity, to one or another of an always available stable of ex-Communist professional witnesses, prepared at a moment's notice to remember anything about anybody at any time, no matter how remote in the past. Some of these witnesses possess a reservoir of recollections which, like the miraculous pitcher of Francis and Philimon, seem to replenish themselves whenever a congressional interrogator finds himself thirsty for new headlines.

Again, like Henry Steele Commager, the Fund for the Republic in distributing Alan Barth's book, knew the public record of Mr. Barth and his opposition to legislation such as the Internal Security Act of 1950, his attacks on the loyalty-security program, his writings and public speeches in opposition to congressional investigations of communism, and his approval of the contempt of Congress of many individuals cited for such contempt by the House of Representatives. His book, which the Fund distributed, is little more than a restatement of his position which he has expressed many times over in years past. The morgue of his own newspaper, the Washington Post and Times Herald, reflects the attacks which have been made by many Americans on the position earlier voiced and repeated in the book. This conflict alone testifies to the lack of objectivity of the book and disqualifies it as an item of proper distribution by a tax-exempt foundation. Its only accomplishment which the Fund for the Republic could hope for is the contribution which it would make to the destruction of the loyalty-security measures.

Erwin N. Griswold is a director of the Fund for the Republic and dean of the ~~Harvard~~ Law School. According to the Fund for the Republic, his book entitled "The Fifth Amendment Today" by Dean Erwin Griswold was reprinted and 35,000 copies distributed to the "bench and bar."

The preface to "The Fifth Amendment Today" acknowledges that the material contained in the book is not presented as a "scholarly essay." The preface does not state the purpose for which the material was presented other than to acknowledge that the book is a reprint of three speeches made on February 5, March 24, and October 4-19, 1954. The honesty with which the preface sets forth that the contents do not represent a "scholarly essay" could have been carried farther to state that at least the speech of February 5, 1954, which was made before the Massachusetts Bar Association, was for the purpose of explaining why Harvard had continued on its faculty individuals who had been witnesses before the Committee on Un-American Activities of the House of Representatives and the Senate Committee of the Judiciary, Internal Security Subcommittee.

These committees had brought before them identified Communists who had been active in the organization and operation of the conspiracy. They had been in contact with known and convicted espionage agents. They had been in charge of secret finances of the Communist Party. They had used their influence to penetrate the legitimate trade unions in their area. They possessed knowledge of the conspiracy which was vital to the security of the United States. These Harvard faculty members refused to answer questions relating to their membership in the Communist Party or their activities on behalf of the Communist Party on the ground that to do so would tend to incriminate them. This conduct on their part was condoned by Harvard and they were retained on the faculty on the basis of the recommendation of the dean of the law school. Condonement of this conduct by Harvard was protested by portions of Harvard alumni, faculty, and trustees. To answer these attacks, Griswold made his speech of February 1954.

## LINO REGAL—AB 136

If those witnesses from Harvard faculty who appeared before the congressional committees and invoked the fifth amendment had honestly advised the university of the activities in which they engaged as members of the Communist Party, Griswold, in his speeches, could have set forth these facts as proof of the innocence of their association and as justification for their retention. This he could not do and knew it. Therefore, it was necessary for him to invent two hypothetical members of Harvard faculty, one a member of the Party and the other its supporter. Let's examine the first hypothetical Harvard professor and, if you will, compare his activities with the activities of those actually questioned. You will find there is no resemblance and Griswold does not expect you to find a resemblance because, in the course of his speech, he stated, "Now you may say that this is all very unlikely. To this I reply that I am, for the moment, only assuming a hypothetical case, and I should be able to assume any hypothetical case I want." Those Harvard faculty members questioned by congressional committees were not hypothetical. They were real. The activities in which they engaged were not hypothetical treason against a hypothetical government, but conspiratorial acts against a government which through their membership they were dedicated to destroy.

But let's look at Griswold's Communist. Griswold describes him as a college teacher who—

in the relative calm period of the past middle 1930's, on the solicitation of a friend, he went to a Communist meeting and soon joined the Communist Party. At that time the Communist Party was perfectly legal, and regularly appeared on our ballot. He thought he was simply joining a political party. One of the reasons that led him to join was that he regarded fascism as highly immoral and a great danger to the world, and he felt that the Communists were fighting fascism in Spain at this time. His interest was not merely in protecting Spain but, because the danger which many men then feared most was that of the spread of fascism, he thought that fighting fascism in Spain was an important means of guarding against such a danger here. \* \* \* Our teacher was in a Communist cell, with other teachers. The Communists had great plans for this group. They wanted to use it to infiltrate American education. However, the Communist command was canny. They knew that many or all of the members of this cell of teachers were politically innocent, and that they would recoil quickly from any proposals for sabotage or the use of force and violence. So they treated this group with great care. The group was never subjected to the rigors of Communist discipline. It was a study group, and its discussions were kept on a high intellectual plane. The more sordid features of the Communist doctrine were kept thoroughly in the background. Our teacher never engaged in espionage or sabotage or anything like that, and never saw or heard of any such activities by any members of his group. He would have been horrified by any such actions.

Griswold does not assign to his hypothetical Communist any other role than the infiltration of American education. Griswold's hypothetical Communist continued his membership for over 13 years, until the Korean invasion in 1950. Griswold admits that he was not always happy about the activities of the Communist Party. This was all that he states:

Nevertheless, there were things from time to time which he did not like. He rationalized them in various ways: Nothing can be perfect; the thing to do is to stay inside and work against excesses; and so on. Besides, he was a stubborn fellow. Once having started on something he thought was good, he did not lightly give it up.

Griswold can create a hypothetical Communist, but the Communist Party is not hypothetical. The black-belt program of the Communist Party for the Negro people and its attempt to speak for them through the National Negro Congress was not hypothetical. The Communist Party's attack upon the Government of the United States during the Hitler-Stalin pact was treasonable, but not hypothetical. The Soviet

## LINO REGAL—AB 137

domination of the Communist Party was not hypothetical. While this control was concealed from a great deal of the Communist membership, it was openly exposed through the Duclos letter in 1945.

Griswold's hypothetical case contains such facts as the one relating to the Communist Party being on the ballot in the middle 1930's. But Griswold did not choose to advise his readers that because his hypothetical Communist was a teacher, he would be assigned to a professional group, which group was underground and not an organizational part of the Communist Party that was above ground with its name on a political ballot. In addition, Griswold did not choose to advise that his hypothetical Communist would not have been permitted to use his true name and therefore had to assume an alias. But, of course, in America in the 1930's even Democrats and Republicans joined their respective parties by the use of an alias, that is, hypothetically speaking. Griswold acknowledged that the Communists "had great plans for this group [teachers]." Griswold must therefore know of the plans which the Communist Party of the world has for education. He also therefore knows the role which the Communist teacher properly played in those plans. He most certainly has studied the Communist program and reviewed the Party's instruction to its teacher members. Knowing this, he knows that the Communist Party has instructed its teacher member to indoctrinate without exposing himself by injecting Marxism, Leninism into every class. We learn the propaganda extent of Dean Griswold's hypothesis when we observe his describing his hypothetical Harvard Communist as being honest and sincere; further, that he is a "good teacher and works hard on his subjects."

Griswold, in his description of his hypothetical Communist, acknowledges how the Communist Party keeps away from certain of its members the activities in which other of its members are engaged. He does this to justify how his hypothetical Communist would know nothing about force and violence, sabotage, espionage or other Communist acts which you and I abhor. It serves Griswold's hypothetical position to take this course. However, this line of reasoning is out when we desire to change the context. When Griswold's hypothetical Communist is faced with the responsibility of testifying before a committee of Congress, then the activities of the Communist Party are so open and so well known to all other members that he invokes the fifth amendment in order to keep from talking about other people. Griswold states his hypothetical Communist was convinced that "many of the people who had been associated with him in the venture were just as innocent of wrongdoing as he was sure he was."

But then again, maybe he was not as sure of his innocence as Griswold pretends because later in the reprint of the speech when the hypothetical Harvard Communist is before the Committee on Un-American Activities and has denied that he is currently a member of the Communist Party, he invokes the fifth amendment because he sees the "jail doors opening up if he himself gives the evidence that he was once a Communist" because he knows that a number of Communists have been convicted under the Smith Act. It is assumed that Griswold is now talking about the Smith Act of 1940 as it appears on the statute books and not some hypothetical statute which has not been enacted. If he is referring to the Smith Act which is on the books, Griswold then knows and certainly, as dean of the Law School, should know that his hypothetical case could not be prosecuted under that statute. Griswold admits that past membership in the Communist Party is not a crime in itself and admits that those persons prosecuted under the Smith Act were prosecuted because of current membership in the Communist Party, plus what Griswold refers to as "something else". Thereafter, in order to make a case for the fifth amendment, in the absence of a case which he now has on the basis of his hypothetical facts, Griswold infers that the man fears the manufacture by the Government of the United States of false testimony against his hypothetical Communist and that this fear thereby justifies the invocation of the fifth amendment. I should like to ask those students of the law to compare Griswold's analysis of the fifth amendment and his knowledge of the Communist Party in light of his analysis of the Supreme Court's decision in *Rogers v. United States*, 340 U. S. 367 (1951). The recitation to the decision, which

## LINO REGAL—AB 138

is factual, sets forth: "In that case, a witness testified that she had been treasurer of a local Communist Party, had had possession of the records, and had turned them over to another person. She then declined to name the person to whom she had given them, claiming the privilege under the fifth amendment. The Supreme Court held that by giving the testimony she did she had waived the privilege, and that she was guilty of contempt for refusing to answer the further question." Interpreting this decision, Griswold sets forth in the printed copy of his speech:

My guess as to the law is that the Rogers case applies only where the witness has given an incriminating answer to a prior question. I do not think it would apply if a witness was asked if he had been a member of the Communist Party in 1945, and he said "No." \* \* \* Nevertheless, it will take a Supreme Court decision to provide this clarification of the Rogers case; and counsel advising a client may well hesitate to make his client bear the risk and expense of taking a case all the way to the Supreme Court. With the Rogers case on the books, the only safe advice may be to claim the privilege at the earliest possible moment, so as to be sure to avoid a charge of waiver.

2. The Rogers case grew out of an investigation by an Indiana grand jury of the Communist Party of Indiana. Rogers was subpoenaed before the grand jury along with other officials of the Communist Party in connection with this investigation. Rogers, subpoenaed as the secretary of the Communist Party, admitted to holding that position. She admitted having been custodian of the Communist Party's records and, when asked to produce the records, stated that she did not have them because she had surrendered custody to another individual. She was then asked to identify the individual to whom she had turned over the records of the Communist Party of Indiana, which she refused to do and which resulted in her contempt-of-court conviction. She has never been indicted by a grand jury because of her mere membership in the Communist Party and was convicted of contempt of court solely because of her refusal to identify the individual to whom she had turned over the Communist Party records. While it is true that the Rogers case relates to the question of waiver of immunities, the Rogers case also puts to a lie the supposition of many that for an individual to admit party membership lays that individual, per se, open to indictment under the Smith Act.

The Rogers case decision also establishes the point of law that the witness does not have a right to refuse to answer solely as a protection from identifying another member of the conspiracy. But the Rogers case, even though the learned dean could not understand the decision, was brought into the matter in order to permit him to apologize for the refusal of Communist teachers to answer such questions as "Have you ever taught Communist doctrine in your classroom?" or "Have you ever solicited students to join the Communist Party?"

Dean Griswold commented on the refusal to answer these questions in the following manner: "These refusals have been deeply disturbing to the public. Yet, the answer to these questions may be 'No'; but the witness nevertheless fears that he cannot give that answer without its being said that he has waived the privilege as to questions about other sorts of Communist activities. Here again we have a situation where the obvious inference from the refusal to answer the question may be completely unwarranted." This statement returns us once again to the knowledge which Dean Griswold possesses of the Communist Party. It is known that every member of the Communist Party whose occupation was that of a teacher, whether it be grammar or high school or higher institutions of learning, was required by Communist Party discipline to carry his Communist indoctrination into the classes. All Communists to some degree carried out these instructions. Those who did not were not members of the Communist Party for periods longer than weeks or a few months. But Dean Griswold's hypothetical 13-year Communist certainly carried on this activity many, many times. Anyone who knows the organizational structure of the Communist Party knows that no Communist of 13 years duration could have answered "No" to either of the questions quoted above. Therefore, an inference of guilt is not unwarranted in this case.

## LINO REGAL—AB 139

The speech of October 14, which was repeated on October 19, was intended to lay low any interpretation of guilt which someone might attach to an invocation of the fifth amendment. As Dean Griswold set forth, "Many people have approached the fifth amendment in recent months in a rigid and mechanical way. They say: 'A person claiming the privilege against self-incrimination under the fifth amendment, or under a similar provision of a state constitution, is guilty or else he is lying. Anyone can see that.' They say: 'It's as simple as two plus two equals four. There are only two ways. If he claims the privilege honestly, he must fear incrimination, which means that if he answers the question, he must admit that he has committed a crime. And if he claims the privilege dishonestly, of course he is lying, and since he is under oath, he has committed perjury. No other explanation is logically possible.' That is what we are often told. And on either basis, the person claiming the privilege has condemned himself, and should be forthwith dismissed from whatever he has been doing, and generally blacklisted and deprived of his livelihood. Indeed, this position has been taken \* \* \* in a number of proceedings." The most personal of these proceedings were of course those involving the faculty of Harvard who had appeared before congressional committees, invoked the fifth amendment and were retained by Harvard on the recommendation of Dean Griswold. Here again Dean Griswold takes liberty with the truth by extending the demand of the American people that Communists should not be employed in government, in our schools or in other sensitive positions or in positions where they can use their prestige to indoctrinate on the part of the Communist Party, to include all walks of life and places of employment. In other words, Dean Griswold is giving a right to employment to Communists or former Communists, which right is not given by any matter of course to a non-Communist. But again if Harvard's position in retaining those who appeared before congressional committees and invoked the fifth amendment is to be upheld, then it is necessary to destroy the inference which is taken from their invocation of the fifth amendment. But between February, when Dean Griswold made his first speech, and October, when this speech was made, it was necessary to amend the absolute which he had first set forth relative to an inference which would be taken from the invocation of the fifth amendment. Dean Griswold now assumes that some inferences of guilt are proper and he accepts the inference in the case of a bank teller who invokes the privilege when questioned as to whether he stole thousands of dollars. He accepted as proper the teller's dismissal from the bank solely on the invocation of the fifth amendment, without due process of law. He says that this is different from the case of the fifth-amendment member of the Harvard faculty. Where do we differentiate in this matter? Dean Griswold tells us:

The first matter to which I think we should give careful attention in all of these cases is *the nature of the question which is asked* and which the witness refuses to answer under the shelter of the fifth amendment. Here again the problem is one of degree. There is no clear and sharply demarcated line. The question whether a bank teller stole funds entrusted to him is one sort of question. But the closer the question asked gets to the area of opinion and political belief, the less significant, I suggest to you, is the refusal to answer questions. Or, to put this another way, the more interrogation gets into what might be called the free-speech area of the first amendment, the more difficult it is to come up surely with a sound inference from the refusal to answer questions.

Assuming that the Communist Party is a conspiracy to overthrow our Government by force and violence, using murder and all other evil methods that Communists have shown they are capable of, Griswold states that this is not comparable to the bank teller because the question relating to Communist Party membership is not how bad communism and the theft of the bank teller are, but what conduct the person we are considering actually engaged in. Griswold takes the position that with respect to a person who was a member of the Com-

## LINO REGAL—AB 140

munist Party the great majority of them in joining the party and in operating within the party for a period of as long as 13 years were acting on thoroughly political reasons which were 100 percent innocent. Again referring to the inference to be drawn from the invocation of the fifth amendment, Griswold sets forth that "there may in fact be no clear or compelling basis for drawing any inference against the person claiming the privilege against self-incrimination when the question he refuses to answer is one which is, or which he feels to be, directed to his opinions or political beliefs. And this has been true of many of the unanswered questions in recent years." Not only do we have Griswold now referring back to Communist Party membership and activities engaged in by one of its members as opinion and political belief, we now have him stating that opinions or political beliefs were the reason many witnesses appeared before the committees in recent years and refused to answer questions, invoking the fifth amendment.

Numerous other illustrations which could establish the propaganda nature of Dean Griswold's speeches could be illustrated. To do a complete and thorough job would require more words than are contained in the three speeches analyzed herein. The above seems to adequately document the point we are trying to make.

It is to be observed that in 1954, during the period of these speeches, there was pending in State and Federal courts litigation with which Dean Griswold disagreed, not for any legal reason, but political or moral reasons. One was the case of Harry Slochower, a New York teacher who was dismissed from his employment under a New York statute which provides for dismissal upon the invocation of the fifth amendment. The other was the Paul Sweezy case pending in New Hampshire and growing out of Sweezy's refusal to answer certain questions before a legislative tribunal under the directorship of the Attorney General of New Hampshire. The third was the Federal immunity statute which was being tested in the case of William Ullmann before a Federal grand jury. We have commented upon Griswold's position involving Harry Slochower in the discussion and analysis between Slochower and the bank teller who was suspected of stealing money. Dean Griswold approves dismissal of the bank teller but opposes the dismissal of Slochower. In the Paul Sweezy case, and of course Dean Griswold does not refer to the individual by name but merely refers to a proceeding pending in New Hampshire, Griswold finds that the first amendment to the Constitution protects Sweezy in his refusal to answer at least one of the items for which he was indicted. With respect to the immunity statute, Griswold, and here again we have an admission on his part that his opinion is not based on any legal study, observes "this statute gives protection against prosecution, and thus meets the literal objective of the Constitution. Nevertheless, because I attach so much importance to the fifth amendment and the values which it symbolizes, I look with misgiving upon this statute." \* \* \*

Within weeks after the October 1954 speech, the Fund for the Republic contracted to distribute these nonscholarly essays which were designed to educate the people into an acceptance of a position taken by Harvard to attorneys and members of the Federal bench. The political campaign in which Dean Griswold was involved, which prompted these speeches, was not disclosed in the book or by any document which accompanied the distribution of the book. Immediately the political nature of the book came under attack and it was charged that the Fund for the Republic, by distributing this book with tax-exempt moneys, was aiding the cause of international communism. This charge was somewhat documented by the fact that immediately after its distribution many witnesses appearing before congressional committees used Dean Griswold's book as their reason for refusing to answer questions relating to their membership in the Communist Party. On top of this, the Emergency Civil Liberties Committee reprinted the speech of February 5, 1954 and the Fund for the Republic financed this reprint. The Emergency Civil Liberties Committee is presently engaged in a campaign to abolish congressional committees investigating communism and to destroy the FBI or at least its subversive section. In addition, the Senate Internal Security Subcommittee in its publication "Handbook for Americans" char-

## LINO REGAL—AB 141

acterizes the Emergency Civil Liberties Committee as the current legal arm of communism.

To overcome the criticism voiced of the Fund for the Republic in distributing Dean Griswold's "The Fifth Amendment Today", the Fund for the Republic reprinted and distributed a scholarly essay of the fifth amendment, by C. Dickerman Williams, a professor of law at ~~Fordham University, which essay appeared in the Fordham Law Review~~. However, while the Fund distributed 35,000 copies of Dean Griswold's, they distributed only 1,000 of C. Dickerman Williams' and did not send C. Dickerman Williams' to those who had received Dean Griswold's. It is no wonder that we find the Supreme Court in the *Harry Slochower* case quoting Dean Griswold on violation of due process by congressional committees. Dean Griswold has been opposing congressional committees as far back as 1947 when he opposed appropriations for the Committee on Un-American Activities and called for its abolition. In "The Fifth Amendment Today," Dean Griswold had to attack what he called the lack of due process by congressional committees because he established this as a reason, among other reasons, for which a witness could properly refuse to testify about his affiliations with the Communist Party. Another reason for refusal was set forth by Dean Griswold "as a gesture of opposition to the procedure of proscribing organizations without giving them the right to be heard." In 1951, Dean Griswold, involved the same reasoning for his refusal to revoke the charter of the ~~Harvard Lawyers Guild~~, an affiliate of the Communist-controlled National Lawyers Guild. Said Dean Griswold at that time: "Suppressing an organization is a very serious step to take. \* \* \* The report of the Committee on Un-American Activities raises questions. \* \* \* But we do not feel that we should suppress this local group because that committee, without notice or hearing, has issued a report attacking the national organization with which the student group is affiliated." Dean Griswold, therefore, overlooked the evidence and permitted law students to subject themselves to Communist indoctrination, because the National Lawyers Guild did not get a hearing. Time will tell if his decision offered to international communism any young Harvard law students. We pray not.

"To Insure the End of Our Hysteria" is a reprint of an article from the New York Times of December 14, 1954. It was reprinted by the Fund for distribution by the present legal guardian of the Communist Party: namely, the Emergency Civil Liberties Committee, a fact which demonstrates the lack of objectivity of the article's contents.

The author of the article is Paul G. Hoffman, former head of the Ford Foundation, and, according to the article's footnote, "now chairman of the board of the Studebaker-Packard Corp." The reason for concealing the fact that Mr. Hoffman was chairman of the board of directors of the Fund for the Republic is not given. The reason is, however, very evident upon examination of the arguments of hysteria which the author both creates and then calls for their abolishment.

Mr. Hoffman had before him the results of a survey, conducted with Fund money by Dr. Samuel A. Stouffer, which showed that less than 3 percent of the people exhibited fear as a motivation of their actions and demands against Communists or communism. Yet Mr. Hoffman disregards this evidence and charges in his article that "the complex of fear that has spread over America during the past 8 years, and particularly the past 4," has brought "this great Nation a period of near-panic of a kind it never knew before."

The fear which Hoffman was trying to sell in the article was not of the conspiracy itself, but, rather, "our method of combating" that which he described as "the vicious threat of communism to our security." The point he was trying to make related to those opposing internal communism rather than to an argument that there was no justification for the opposition. It appears that, if Mr. Hoffman had been placed in charge of the campaign of opposing "the vicious threat of communism to our security," the methods selected would then have been motivated by a patriotic desire to secure the United States from its enemy. Because he was not given this authority, he disapproves of the methods selected and in his article describes the methods as an outlet of "psychopathic desires" on the part of individuals leading the opposition of the vicious threat of communism. Without evidence, he



# LINO REGAL—AB 142

described those opposing the vicious threat as "petty thought controllers" and included among them—

professional and political exploiters, some of whom were in some measure sincere but most of whom colored their sincerity with ambitions for personal power and advantage.

It must be borne in mind that these characterizations are not based on evidence but are rather slogans used to attack those representing a position to which Hoffman found himself in opposition. It typifies a conduct which Mr. Hoffman was warned against by the Fund's Committee on the Legacy of American Liberty:

it would greatly promote common understanding if those who disagree as to the means by which the ends of freedom are reliably achieved, would state their differences in terms of factual propositions about such means, rather than as slogans in an ideological battle.

Slogans are the tried and true method of selling which Hoffman has used since he started selling cars in 1911. The use of a slogan eliminates the use of factual presentation of merchandise or advocacy. David Lawrence, in his article "Fund Accused of Propagandizing", deals with the slogans of the Fund. His point is equally applicable to the slogans of Hoffman as contained in *To Insure The End of Our Hysteria*. Wrote Lawrence:

It is the main thesis of the projects sponsored by the Fund for the Republic that ideas and freedom of thought are being suppressed. This is an old cry. Dwight Eisenhower, in a speech on October 3, 1952, called that contention a sophisticated lie as he outlined the specious claims of those who consider communism just a political faith instead of a criminal conspiracy. He said that this lie "partly poisoned two whole decades of our national life" and that it meant "contamination in some degree of virtually every department, every agency, every bureau, every section of our Government." He added:

"It meant a government by men whose very brains were confused by this opiate of deceit. These men were advisers in a foreign policy that—on one side of the word—weakly bowed before the triumph in China of Communists hailed as 'agrarian reformers.' On the other side of the world, this policy condoned the surrender of whole nations to an implacable enemy whose appetite for conquest sharpened with every victory. This penetration meant a domestic policy whose tone was set by men who sneered and scoffed at warnings of the enemy infiltrating our most secret counsels. It meant—in its most ugly triumph—treason itself."

This is the Eisenhower concept on which was based a successful appeal to the American people. Yet the Fund for the Republic is out to prove that it was all a myth or the result of a "social pressure" that has tended to suppress conscientious nonconformity.<sup>73</sup>

<sup>73</sup> *Evening Star*, September 16, 1955.

Hoffman decries both the advocacy and the acceptance of the fact that there are individuals who, in opposing restrictions on Communists, are concealed party members, or dangerous sympathizers. Hoffman aids these individuals by inferring that the charges against the majority are not true. Their identity would permit establishment of their membership or sympathy, however, this he omits. The slogan approach covers the guilty with the blanket of some innocent individuals who must be included within the slogan. But Hoffman does not live by the moral rule which he insists upon for others: In 1951, speaking before the Indiana Bankers Association, he defended Justice Douglas' right to recommend recognition of Red China, but attacked those who advocated what he described as "fortress America." These individuals he described as being next to the ardent Communist, a person best liked by the Communist, an active "hard-shell isolationist."

Hoffman has opposed loyalty-security programs for many years. Calling the loyalty test as "silly and unsound," he had urged the Sen-

## LINO REGAL-AB 143

ate Foreign Relations Committee to authorize a relaxation of such programs. As Administrator of the Economic Cooperation Administration, he argued that the program barred the employment of "very good people". George Shaw Wheeler, and his statement of charges against the United States in defecting to communism, testify to the damage caused by Hoffman's relaxation of the loyalty program. George Shaw Wheeler was an employee of ECA whose Communist record was overlooked by ECA in spite of the Senate Foreign Relations Committee's refusal to authorize the relaxation Hoffman requested.

In this article distributed by the Fund, Hoffman was still characterizing legislative investigations of Communists as "witch hunting". Actions by the American Legion, Veterans of Foreign Wars, and other patriotic organizations were proclaimed as spy hunts conducted without regard to law and the traditional functions of American justice. His writing of lawflouting organizations and people engaging in vigilante methods suggests that both Federal and State law-enforcement agencies were refusing to enforce the law. However, while portrayed as factual, no evidence was presented to document the charges. The slogan is "hysteria" and it is difficult to distinguish from the hysteria slogan of the Communist Party.

The article is typical of both Mr. Hoffman and the Fund for the Republic, of which he was chairman of the board. When the article was written, the Fund was almost 2 years old. Today it is over 5. Yet, neither Mr. Hoffman in the article nor the Fund in any of its major or even minor undertakings has bothered to tell what communism is or how it operates. In March 1953, Mr. Hoffman wrote a letter in which he set forth: "I am well aware of its menace and also of the diabolical skill with which Communists cover up their activities." This knowledge he and the Fund have kept to themselves. By slogans, they have whispered that communism was bad. By expenditures in excess of \$2 million, they have portrayed it as a political party whose members are merely controversial. Mr. Hoffman, as chairman of the Fund, has asked us to remember that among the most controversial figures of all history were "Moses, Jesus, Mohammed and—in our time—Mahatma Gandhi." Undoubtedly he desired to compare these religious leaders with the other controversialists of history; namely, Marx, Engels, Lenin, Stalin, and Khrushchev.

The committee finds that the Fund for the Republic, in presenting this biased political interpretation of the fifth amendment to attorneys and the Federal bench, was in violation of the provisions of section 501.C (3), in that the document was political propaganda, and further, that by distributing it to the Federal bench it was interfering in legislation in that the Supreme Court decision in the Slochower case, declared unconstitutional a New York State statute.

# 1 VBZ - LINO

## STAFF MEMORANDUM ON FUND FOR THE REPUBLIC

### INTRODUCTION

The staff of the Committee on Un-American Activities began its study of the Fund for the Republic in 1955. It did so, following petitions for such an investigation by the American Legion, the Veterans of Foreign Wars and other organizations. In addition, scores of citizens not affiliated with any organization called the Committee's attention to activities in which the Fund was engaged, and which they considered to be in the interest of the Communist Party of the United States, its members, supporters, or sympathizers.

In conducting this inquiry into certain activities of the Fund, the staff departed from its usual type of inquiry. We did not proceed upon the suspicion that it was subversive or Communist infiltrated. Our concern with the activities of the Fund or of the individuals involved in its operations was related solely to the security of the United States. It was our suspicion that the Fund, in certain of its projects, was hampering the functioning of security mechanisms, aimed to secure us in our life-death struggle with Communist totalitarianism. Committee investigation was directed, therefore, at those Fund projects having a bearing on the internal security of the United States; no projects dealing with racial and religious issues were examined.

The following memorandum from the Committee staff suggests as a tentative conclusion that certain projects of the Fund for the Republic were in fact harmful to the security of our Government.

It should be observed that this staff memorandum is based on a cursory examination of an immense volume of printed source material, which should be carefully reexamined before final conclusions are drawn. Many important documents were denied to the Committee staff by the Fund itself.

Furthermore, in issuing this preliminary statement of findings, the staff would like to make clear that it does not infer or contend that citizens or organizations should be deprived of their Constitutional rights, without fear of official coercion, to write anything permissible under the law, or to disagree on even the most fundamental questions concerning civil liberties and security. However, an organization existing by virtue of its tax status agrees to conform to the provisions of law and regulations, and accepts the limitations applied by the law and regulations in order to enjoy tax relief. Therefore, an organization engaging in propaganda activities, or in influencing legislation for the purpose of hampering the security of the United States, is clearly subject to review by the Congress and, specifically, in the case of the Fund for the Republic, by the Committee on Un-American Activities. Not to do so would be in degradation (?) of our duty under the mandate which we receive from the House of Representatives.

The Fund for the Republic's status rests on section 501 (c) (3) of the 1954 Internal Revenue Act as amended, which exempts corporations and other forms of associations from payment of income tax and provides likewise deductible status to donors thereto. The Fund organized under this provision must not carry on propaganda or otherwise attempt to influence legislation in any sizable degree.

The Commissioner of Internal Revenue, following the passage of the Internal Revenue Act of 1954, issued certain regulations respecting exempt organizations. He defined an educational organization as follows:

## 2 VBZ - LINO

\* \* \* In the determination of whether an organization is exempt under this section [educational organizations], consideration will be given not only to the purpose for which it was organized, and the powers it possesses, but also to the methods of its operation. To qualify as an exempt educational organization, the methods employed by it must in fact be educational. Thus, not only the purpose but also the activities of such an organization must be designed to disseminate knowledge and basic-factual material rather than unsupported opinion. The fact that an organization has a particular viewpoint, or takes a particular position, with respect to the subject or subjects presented by it, and that it openly advocates such position, will not of itself operate to deny it exemption if in its presentation of the subject or subjects there is a full exposition of the facts upon which the advocated position is premised whereby the individual or the public may form independent opinions or conclusions based upon a fair presentation of the pertinent factual material. Conversely, exemption may not be allowed under this section to an organization whose principal function, accomplished through its publications, lectures, or other media, is the presentation of opinion without pertinent facts which would permit the individual or the public to reach independent and informed conclusions. \* \* \*

The purpose of this staff memorandum, based on investigation of the operation of the Fund for the Republic, is to factually demonstrate that the Fund engages in propaganda, and in the influencing of legislation in violation of section 501 (c) (3). This report documents the lack of objectivity on the part of the Fund for the Republic. While some projects of the Fund for the Republic are objectively presented, the majority of its operations not related to the question of race, or religion, are based on the biased investigation and result in findings which not only fail to present both sides of a given question, but in fact conceal facts necessary for the people to arrive at an honest understanding.

The committee staff's investigation discloses that the charter of the Fund, irrespective of the language used to describe it, is political. Documents of the Fund, Ford Foundation, Fund projects, fellowships, grants in aid, publication distribution, as well as speeches and writings of Fund officers, establish that the Fund charter in reality has no relationship to the charter which it publicly described or which it used to obtain tax exemption.

The program of the Fund for the Republic has been one of action and not education. Rather than to educate, it was established to "award", "support for limited periods", or supply "legal assistance in appropriate cases." Its offensive has been its attacks against congressional investigations of Communism, Government loyalty procedures, private censorship, loyalty oaths, academic freedoms, regulation of immigration, and passport procedures.

In financing these attacks, it has spent several million dollars, including administrative costs such as President Hutchins' \$50,000 per annum salary, attacking the denial of employment to Communist Party members—in nonservice positions of Government, in defense industries, import areas, in the airlines and maritime industry, and in radio, motion pictures and television. In making these attacks, the Fund has documented its lack of objectivity by failing to disclose the distinction which it makes between the employments listed above and similar employment by the Fund for the Republic. The philosophy of the Fund appears to be based on a position that the Government should not deny employment to security risks in nonsensitive positions of Government, or that the City of New York should not deny employment to Communists or to those who invoke constitutional protections in refusing to testify about the Communist Party. The Fund spent millions of dollars of tax-exempt money to condition the American people into accepting its philosophy. On the one hand, however, it rejects its own philosophy when it considers the qualifications of employees of the Fund. Early in 1956, the directors of the Fund for the Republic denied the right to employment by the Fund for the Republic

### 3 VBZ - LINO

of members of the Communist Party or individuals who invoked the fifth amendment under relevant circumstances. The committee staff has been unable to locate any public announcement on the part of the Fund for the Republic setting forth this bar to employment on the part of Communists or people who have invoked the fifth amendment under relevant circumstances. On the other hand, we have the Fund for the Republic publicly condemning the city of New York school authorities, as well as other school authorities, for their refusal to hire Communists as teachers.

The resolutions adopted by the directors of the Fund barring from employment on its staff those described above have not applied the bar to employment to those whom it has paid tax-exempt money. In the Fund program "Case Studies in Personnel Security", the Fund accepted the views of Communists as to the objectivity of the security programs. It entrusted to an individual identified before this Committee as a member of the Communist Party the analysis of the testimony of the director of the Federal Bureau of Investigation. The Fund engaged Earl Browder as a source of information on the Communist Party of the United States at a time when he was under a perjury indictment and in spite of his refusal to testify about the Communist Party, including its espionage activities.

In spite of the bar to employment of Communists or those who invoked the Fifth Amendment under relevant circumstances, the Fund has made an award to benefit an individual who lost employment by reason of a refusal to advise an employer as to affiliation with the Communist Party. They rewarded an individual by giving him temporary employment following his refusal to testify before a congressional committee on the subject of the Communist Party. On top of this, they have appropriated in excess of \$100,000 of tax-exempt money to supply counsel and to pay court costs for individuals who have refused to testify against the Communist conspiracy. The Fund has made extensive use of individuals possessing a bias to portray a condition where an objective presentation would be a reversal of the individual's public proclamations. They have used individuals who have been hostile witnesses before congressional committees for the purpose of presenting objective views on the operations of such committees. They have used opponents of loyalty oaths or individuals adversely affected by the oaths to present so-called objective analyses of the loyalty-oath programs. They have used individuals who oppose prosecution of Communists to smear, without proof, the integrity of Government witnesses. In carrying out its program, the Fund for the Republic has not been deterred by the law and regulations relating to tax-exempt organizations. Where the law and regulations apparently denied the Fund the right to carry out certain projects, the Fund has circumvented the law by the adoption of several procedures. All procedures which it has adopted in this regard appear to be designed for the purpose of placing the responsibility on individuals or organizations not a part of the Fund. To take advantage of the exception which the regulations allow for occasional speeches or writings of a propaganda nature, the Fund has distributed a mass of material by individuals whose findings are devoid of fact. It has also made grants of tax-exempt money to other tax-exempt organizations for the purpose of carrying out projects which are clearly not permissible under the law. Under this last category, the Fund has financed the program of a political organization by making its grant to an educational tax-exempt organization. It financed counsel and court costs of individuals who refused to talk about the Communist conspiracy or who refused to obey the law by appropriating tax-exempt money to a religious tax-exempt organization.

The Fund has financed attacks upon individuals and organizations advocating policies with which it disagrees. It has financed attacks upon newspapers, magazines, and correspondents expressing positions with which it disagrees. It has financed research and/or distribution of books, magazines, and articles intended to influence: (a) Legislation, or (b) court decisions. It has financed projects which: (a) Were designed or which resulted in the presentation of propaganda, or non-objective conclusions; (b) utilized hearsay, rumor or gossip instead

## 4 VBZ - LINO

of facts; (c) utilized alleged confidential sources to conceal lack of facts; (d) released reports on alleged finding of projects as books or articles in order to circumvent tax provisions of law and Fund's responsibility for findings.

The Fund has financed attacks, not based on evidence, upon loyalty, integrity and/or intelligence of: (a) Certain members of Federal and state legislatures; (b) the leadership of national organizations such as the American Legion, Veterans of Foreign Wars, and Daughters of the American Revolution.

The Fund has financed attacks, not based on evidence, upon the loyalty, integrity, intelligence, and mental stability of all confidential informants of the Federal Bureau of Investigation who have testified in public trials or proceedings, in addition to all former members of the Communist Party who have given similar testimony.

The committee staff has found, during this investigation of the Fund for the Republic, a growing tendency to create tax-exempt organizations, which are in fact and in truth neither educational, scientific or religious. It is evident that the intent of Congress, as reflected by the enactment of tax statutes, is being greatly abused. It appears evidence that much consideration must be given to this problem if the abuses are to be halted. The law and Treasury regulations must be strengthened in order to make them enforceable. The workload of the Internal Revenue Service involving tax-exempt organizations is tremendous and is increasing daily. That an organization such as the Fund for the Republic can obtain tax exemption on a mere presentation, without any effort on the part of the Internal Revenue Service to review the documents of the Ford Foundation, is a situation which should be eliminated immediately. Even if the ambiguity of the law and regulations was corrected, the small staff assigned to tax-exempt organizations would still make adequate enforcement impossible.

### INVESTIGATION

To learn the facts the committee staff began collecting the products of the Fund.

Objective knowledge of the Fund was imperative. It was apparent it could not be obtained outside the offices of the Fund, therefore, in March 1956, the committee staff asked for copies of the minutes of the Board of Directors. Scanty excerpts were received and on May 2, we repeated our request. These were received and analyzed only to find that even the minutes did not reflect the full story. The committee staff saw that the full story was tied up in Fund staff dockets, or the correspondence or project files.

By June 1956, the committee proposed hearings for the purpose of obtaining evidence. On June 7, Mr. Hutchins was advised by letter of this fact and invited to appear or be represented. On June 15, 1956, he responded by attacking the objectivity of individuals whom he suspected might be called, including the Commander of the American Legion. Mr. Hutchins wrote that "the objective facts can be presented only by those who have them." Therefore the committee abandoned its plans for a general inquiry because the objective facts were only in possession of the Fund or its grantees.

Through correspondence committee staff members attempted to receive the objective facts. We requested files, records of disbursements, conditions of certain employment and copies of documents distributed. In response the Fund, usually through its counsel, complied in some instances, stated they did not possess in others, and ignored in still others, or refused to produce unless the material was subpoenaed.

The committee held two hearings. One dealt with the Fund project "Blacklisting". The other with an award of \$5,000 to Plymouth Monthly Meeting, Pennsylvania, re Mary Knowles. John Cogley, the director of the "Blacklisting" project, and the possessor of the objective facts was called as a witness. Maureen Ogden Black, a staff member of the Fund, was subpoenaed as the possessor of the objective facts re: Mary Knowles. Mrs. Black supplied many of the facts while Mr. Cogley, invoking the freedom of the press, withheld many of the facts. Both of these will be dealt with later under either projects or awards.

The committee investigators, not possessing all the facts made an additional request of the Fund to make available in New York "facilities for members of the staff to review documents relating to the



## 5 VBZ - LINO

Fund's activities since December, 1952." On April 12, 1957, the committee was advised by Fund counsel, Beuthel Webster, that the Board had not as yet considered the request and "I shall not advise that this request be granted." On May 24, Mr. Webster personally called upon the committee's staff director and stated that he—

had been instructed by the board of directors of the Fund to say that the Fund would not permit the review [by committee investigators] of countless additional documents relating to the operation of the Fund.

During the conversation between the committee's staff director and Fund counsel, Fund counsel suggested a meeting in New York with a committee investigator. This meeting took place on June 4, in the offices of the Fund counsel. During this conference request was made for original documents, some of which had previously been requested. On July 2, after verbally indicating that this latest request would be denied in full, some of the material requested was supplied. Between the conference of June 4 and the transmission of July 2, the Supreme Court handed down its decision in the John T. Watkins suit. Fund counsel thereafter advised the committee staff that "the data now or heretofore supplied at your request are not regarded by the Fund as pertinent to an investigation by your committee." "It is our position", concluded Webster, "that in the future the Fund will not continue to supply from its files internal papers and information not relevant to a proper inquiry."

What strictly educational, religious, or charitable organization would hide its operations from the Congress of the United States, the very body from which it received the authority to spend its inheritance without the burden of taxes.

In June 1956, the Fund protested hearings into the Fund on the grounds that the committee lacked objective facts. The Fund has refused to make a full disclosure of the objective facts. Hearings by the committee were impossible without full documentation of the Fund's activities.

This staff memorandum on the operations of the Fund for the Republic is limited therefore to the projects, awards and/or grants upon which facts were obtainable.

### ORGANIZATION OF THE FUND

The creation of the Fund for the Republic was authorized by the Board of Trustees of the Ford Foundation on October 4, 1951. The background and objectives to be followed by the Fund were contained in an officers' docket to the trustees. The objectives of the Fund were under continuing consideration and subject to revision, but in general they were supposed to "help promote within the United States security based on freedom and justice."

In carrying out this program, the Fund was directed to take into account:

- (a) The danger to the national security from the persistent Communist attempt to penetrate and disrupt free and peaceful societies;
- (b) The danger to national security arising from fear and mutual suspicion generated by international tension;
- (c) The danger to the national security arising from fear and mutual suspicion fomented by shortsighted or irresponsible attempts to combat communism through methods which impair the true sources of our strength;
- (d) The need to understand and vindicate the spiritual and practical significance of freedom and justice within our society which are enduring sources of its strength; and
- (e) The need to dedicate ourselves anew to the demonstration within America of a free, just, and unafraid society at work.<sup>1</sup>

<sup>1</sup> See Fund docket, October 1951, pp. 8, 9.

By July 1952, Paul G. Hoffman and Robert M. Hutchins, officers of the Foundation, proposed additional appropriations of between \$14 million in addition to an original \$10 million.



## 6 VBZ - LINO

the docket to the trustees dated July 15-16, 1952, the officers pointed to the highly controversial nature of the problems with which the Fund for the Republic would deal and noted that the Fund should not be put in the position of having to come back to the Foundation for funds "in an atmosphere of adverse criticism."<sup>2</sup>

<sup>2</sup> See Fund docket, July 15 and 16, 1952, p. 2.

The Fund for the Republic was not formally organized until December 9, 1952, but its program was laid down for it in July. A Hoffman-Hutchins docket of July 15-16, 1952, established the areas in which the Fund was to operate.

That the Fund for the Republic was to be an action organization, as well as one designed to educate, is the impression left by such statements in the docket as:

Events since October 1951, make the Fund for the Republic no less necessary than it was when it was authorized. On the contrary, *some of the movements and attitudes that it was designed to combat seem to be gaining strength.* Private censorship accompanied by organized boycotts is spreading. The loyalty procedures of the Government are causing much difficulty. Colleges are having more and more trouble with groups that demand that all teaching be completely orthodox and that free discussion on the campus be inhibited. Minority groups are handicapped or menaced by prejudice.<sup>3</sup>

<sup>3</sup> See Fund docket, July 15 and 16, 1952, p. 5.

The Hoffman-Hutchins docket included the following among the Fund's areas of interest:

\* \* \* The conduct of legislative hearings, government loyalty procedure, private censorship, loyalty oaths, due process of law, academic freedom, democracy in labor unions, free speech and free assembly, the status of migrant workers, racial and religious discrimination, the regulation of immigration and of travel of American citizens to foreign countries, and the freedom of mass communications.<sup>4</sup>

<sup>4</sup> See Fund docket, July 15 and 16, 1952, p. 3.

The docket also suggested that:

the Fund, therefore, might make arrangements, perhaps through organizations like the American Civil Liberties Union, the National Association for the Advancement of Colored People, or the National Legal Aid Society, for legal assistance in appropriate cases.

Article VI refers to all defendants, not to "appropriate cases" as set forth in the docket. Here again the intent of the Fund is clouded, but it is clear that any activities in this area are actionable rather than educational.

The docket of July 15, 16, 1952, calls for additional activities which do not appear to be educational. It calls for the Fund to "make awards to educational institutions that have withstood attacks upon academic freedom." The docket, apparently assuming that there is a constitutional guarantee to specific employment, recommends

since the threat to the individual who holds, or is accused of holding, minority opinions—or, in some fields, to one who is merely "controversial"—is the loss of his job, the Fund could try to work out methods by which such persons might be supported for limited periods.

No information is given to establish what is meant by an individual holding a "minority opinion" or one described as "controversial" and what is meant by "defense of academic freedom."

The original incorporators of the Fund for the Republic Albert W. Driver, Jr., Henry W. de Kosmian, Frederick W. Jaqua, William C. Schaab, and Gustave J. Soderberg, Jr., all of New York.

The first meeting of the Fund for the Republic, Inc., was held on December 10, 1952, with William C. Schaab acting as chairman.

## 7 VBZ - LINO

and Frederick W. Jaqua acting as secretary. After disposing of the technicalities of incorporation, the three original incorporators, Messrs. Jaqua, Schaab and Soderberg, unanimously elected as members-directors the following persons selected by Robert M. Hutchins:

James Brownlee, business executive, Fairfield, Conn.  
 Malcolm H. Bryan, president, Federal Reserve Bank, Atlanta, Ga.  
 Huntington Cairns, lawyer, author, officer of National Art Gallery, Washington, D. C.  
 Charles W. Cole, president, Amherst College, Amherst, Mass.  
 Russell L. Dearmont, attorney, St. Louis, Mo.  
 Richard J. Finnegan, consulting editor, Chicago Sun Times, Chicago, Ill.  
 Erwin N. Griswold, dean, Law School, Harvard University, Cambridge, Mass.  
 William H. Joyce, Jr., chairman of the board, Joyce, Inc., Pasadena, Calif.  
 Meyer Kestnbaum, president, Hart, Schaffner & Marx, Chicago, Ill.  
 M. Albert Linton, chairman of the board, Provident Mutual Life Insurance Co., Philadelphia, Pa.  
 Jubal Richard Parten, president, Woodley Petroleum Co., Houston, Tex.

Following these elections, each of the original incorporators resigned and were replaced by:

David F. Freeman.  
 Elmo Roper, Elmo Roper & Associates, New York, N. Y.  
 George N. Shuster, president, Hunter College, New York, N. Y.  
 Eleanor Bumstead Stevenson, Oberlin, Ohio.  
 James D. Zellerbach, president, Crown Zellerbach Corp., San Francisco, Calif.

Paul G. Hoffman, president and director of the Ford Foundation, was present at the organization meeting and acted as its adviser. On the suggestion of Mr. Hoffman, the Fund created a planning committee which consisted of Messrs. Erwin N. Griswold, chairman, Brownlee, Cairns, Cole, Linton, Roper, and Shuster.

In addition to advising the newly elected board of directors, Paul Hoffman was apparently discussing with them the possibility of his contemplated resignation from the Ford Foundation and his desire to rear the Fund. At a meeting of the board of the Foundation on February 4, 1953, Hoffman, before discussing his resignation from the Foundation, advised that the board of the Fund had suggested that he serve as chairman of its board. The trustees interposed no objection to Hoffman's accepting chairmanship. They agreed to consider additional appropriations for the Fund at their next meeting. This meeting was held at Pasadena, Calif., on February 23-26, 1953. This meeting resulted in an additional appropriation, which brought the total grant to the Fund for the Republic to \$15 million.

The resolution of the trustees, after setting forth as a condition of the grant the obtaining of tax exemption by the Fund, further provided:

If the Fund shall at any time lose its tax-exempt status within the provisions of said section 101 (6), as amended, as determined by final judgment of a court of competent jurisdiction, the Fund shall promptly on request of the Foundation pay over to the Foundation the balance of the amount of the above grant \$15 million then held by the Fund, less an amount necessary to pay or provide for the then liabilities of the Fund, and provided that if at any time the Fund receives a ruling that it has lost its tax-exempt status it will not, pending any appeal, and except as otherwise agreed with the Foundation, make any new commitments until the question as to its tax-exempt status is disposed of.<sup>5</sup>

<sup>5</sup> Exemption application March 20, 1953 (Notes to financial statement).

In order to obtain the objective facts the committee requested the reports of the Fund's planning committee. One report was supplied by the Fund before invoking the Watkins decision of the Supreme

## 8 VBZ - LINO

Court. "Planning Committee Working Paper No. 6," was apparently the basis of the Fund's letter to the Foundation of January 29, 1953. From it we are able to learn the intent of the Fund, as this intent involves the six areas of Fund inquiry. The planning committee discussed these areas as follows:

### *The Size, Nature and Location of the Internal Communist Menace*

In the present state of the world and of the country, the internal Communist menace may well be the greatest potential threat to the legacy of American liberty. Experience shows that the success of a Communist movement would mean the end of liberty as we have heretofore known it. One of the important means of protecting our heritage of liberty may be found in protection from the menace of communism. On the other hand, the Communist threat may be exaggerated. If we are not careful in the steps we take to protect ourselves from communism, we may seriously damage the very liberties we are trying to preserve.

In the consideration of this problem, therefore, it appears to be important to undertake to determine the extent and effectiveness of existing subversive activities by the Communist Party and allied groups, and to examine the areas where these activities occur, and the methods used within those areas, both in Government or private institutions, which are most sensitive to such influences. The examination might also include consideration of means to oppose these influences without sacrifice of basic and traditional American liberties.

### *Restrictions on Academic Freedom*

Academic freedom is a broad term, sometimes carelessly and loosely used. It is really broader than a merely academic matter, for the same freedom should apply to a newspaper reporter, or any other person who is in good faith seeking to find and to report the truth. Progress has not been made in the past through conformity, and influences which unduly restrict independence of mind and discourage novel ideas can be a serious restriction on our progress as well as on our liberties.

For the purposes of the Fund, this field will include such matters as the influence of investigations on the activities and affiliations of teachers, restrictions on such activities and affiliations, loyalty oaths for teachers, censorship of books and curricula, restrictions of similar sorts on lecturers and scientists and others engaged in developing and expressing ideas.

### *Due Process and Equal Protection of the Law*

One of the oldest rubrics in the development of our civil liberties is the basic idea of "due process of law." In more recent years, particularly since this phrase was included in the Constitution of the United States and of nearly all of the States, legal development as to the nature of this protection has been considerable. However, public acceptance of the responsibility for maintaining due process of law has sometimes lagged behind the standards set by the law.

Specific topics which might be covered in this area would include investigation into the existence and extent of unlawful police methods, including the third degree and unlawful search and seizure. A related topic would be the extent to which wiretapping may be a proper means of police investigation, and the safeguards which should be required. Other closely related areas would include the rights of witnesses in quasi judicial proceedings, including the availability of counsel, and opportunity for cross examination, the availability of qualified counsel for indigent defendants, or defendants against whom indignation runs high. Other topics would include the use and misuse of the privilege against self-incrimination, and the extent to which the basic guarantees of due process and equal protection may be adversely prejudiced by the correlative guarantee of freedom of the press, including the question whether new standards of responsibility for the press might be developed which would safeguard its essential freedom and yet maintain effectively the fundamental rights of accused persons.

### *The Protection of the Rights of Minorities*

Much of the history of the struggle for human liberty involves the protection of the rights of minorities. The tyranny of the majority has often been a sad reality, and one of the reasons for having constitutional provisions such as our Bill of Rights is to provide a firm legal basis for the protection not only of individuals, but also of members of minority groups. Although much progress has been made in this area, much remains to be done.

Activities in this area might relate to such matters as equal voting privileges, the treatment of religious groups, the treatment of enemy aliens and conscientious objectors in time of national emergency, discrimination in public and private accommodations, equal opportunities for employment, education, housing, and recreation, and special problems presented by our Indian population, on and off reservations.

### *Censorship, Boycotting, and Blacklisting Activities by Private Groups*

At various times in the past, blacklists, and boycotting, and private censorship have been used as economic or political weapons. This is a peculiarly difficult and important area, because such action is ordinarily private. It is, therefore, often difficult to determine the existence of such actions, their extent, and their influence. It is also very hard to devise means of controlling such activity, even though it may result in a very serious interference with individual liberty.

This area might include an impartial examination of censoring, blacklisting, and boycotting by persons, publications, organizations and civic groups, particularly in the fields of education and entertainment. An assessment might also be made of the extent to which commercial enterprises controlling public opinion and entertainment, are subject to intimidation, and the extent to which this may be an impairment of individual freedom.

## 9 VBZ - LINO

### *The Principle and Application of Guilt by Association*

One of the principles which has been hammered out during the course of our history has been individual responsibility before the law. Ordinarily, a person is subject to criticism or condemnation only for what he has done himself, and not for what has been done by others with whom he may at some time have been associated. In recent times, however, there has been a recrudescence of the general notion of guilt by association. The extent of its application should be ascertained, and consideration should be given to means to combat the impairment of individual liberty which is involved.

This field includes a consideration of recent Federal, State, and local legislation which makes it a crime to be a member of certain organizations or which requires certain organizations to register. (The Hatch Act, the Smith Act, and similar provisions in the McCarran Internal Security Act of 1950 and the McCarran-Walter Immigration Act of 1952). It also includes judicial decisions interpreting such legislation; executive action such as the Attorney General's list of Subversive Organizations and Congressional reports such as those of the Un-American Activities Committee.

With the exception of that area relating to the "Rights of Minorities", most areas in some way involve the Communist Party of the United States, its members, supporters, and organizations. It appears that if there had never been a Communist Party of the United States, there would have been no need for a Fund for the Republic.

In the area "due process of law" the planning committee was interested in, unlawful police methods, and the rights of witnesses in quasi judicial proceedings. Within these two broad categories the Fund claimed an interest in the use and misuse of the privilege against self-incrimination. In August, 1953, Clifford P. Case, former Congressman from New Jersey, became president of the Fund. After becoming president, the Fund received through President Case, several proposals relating to due process of law and communism. Several of these proposals were rejected by President Case and his rejection confirmed by the directors at a meeting of November 18, 1953. Those rejected were, a study of the adequacy of existing legal sanctions against Communists or Communist activity, and a study of the fifth amendment to be conducted by a leading law school. In spite of the Fund's program they were rejected as not having sufficient impact to warrant undertaking. A proposal, to compile in popular form, ways in which Communists abuse due process and the advantage of democratic procedures, while considered to be useful by the Board, have never materialized. On the other hand, a reprint of speeches by Erwin N. Griswold, chairman of the planning committee, was widely distributed to the bar and Federal bench. These speeches on the other hand, defended the use of the fifth amendment.

The area of inquiry described as "censorship, boycotting, and black-listing activities by private groups" is both a second inquiry into that which the Fund describes as academic freedom, plus the absolute right to employment in the field of entertainment. The same questions again arise, namely, how can the Fund determine the right which a Communist Party member has to employment in these fields, if it does not first study the aims and objectives of the Communist Party? The committee staff can prove that the Fund's project into this subject of blacklisting was not "an impartial examination." We shall also prove, through the testimony of the project director, together with evidence obtained by the committee, that the project and the project report, whether by design or accident, had the effect of strengthening the position of the Communist Party members engaged in the field of entertainment. This position of the Fund was taken prior to completion of studies into the menace of communism, or the lack thereof, which the Fund itself claimed to be so necessary to its operation. To remove a Communist conspirator from the entertainment industry is blacklisting, so testified John Gogley. The Fund condemns blacklisting, so declared Fund President Robert M. Hutchins. Therefore the Fund condemns the firing of both Communist entertainers and Communist teachers. Certainly an activity which disqualified the Fund of its tax exemptions.

Conspiracy statutes do not exist if we read the discussion under "Principle and Application of Guilt by Association." "Individual responsibility before the law," is according to the planning committee the principle by which Americans should deal with the theory of overthrow of the Government of the United States. Is this a valid position in light of the knowledge which America, excluding the Fund,

## 10 VBZ - LINO

possesses of the Communist Party of the United States. Granville Hicks, testifying before the committee, stated that every member of the Communist Party was a potential espionage agent. When, then, will espionage by members of the Communist Party be restricted to individual action? However, only through a study can the determination of individual action be determined and the Fund has made no such study. To combat impairment to individual liberty the planning committee proposed that the Fund give consideration to those statutes, intended to punish action relating to overthrow of the Government, and those intended to control subversive actions by organizations. This action was being proposed at the same time the Fund was advising both the Ford Foundation and the Internal Revenue that they would not engage in activities designed to effect legislation.

To determine the Fund's role in relationship to the internal Communist menace, a special committee of directors, under the chairmanship of Elmo Roper, was formed. The committee was formed at a meeting of Fund directors on March 18, 1953, and was known as the "Internal Communist Menace Committee". Conceding that the study of the internal Communist menace was "like trying to measure a gaseous body with a rubber band", the committee prepared and adopted procedures for studying the Communist menace in less than 3 weeks.

The minutes of the Board of Directors of the Fund for April 9, 1953, reflects that after considering the report of the Roper Committee, the directors approved a study of Communist infiltration in the five areas mentioned in the report, together with a sixth, the publishing and entertainment industries. The five areas are described in the Roper committee report as

1. A questionnaire type of study, among a large cross-section of the American public, from the age of 16 upward. \* \* \*;
2. A study of the record of confessed Communists, as well as of the Communist trials which have been held in various parts of the country; a study of what has been turned up by various congressional and other governmental investigations; a study of as much as they are willing to tell us, about what the FBI knows about the number and location of Communists and Communist sympathizers; 3. The trade-union movement and of the infiltration and influence of Communists in that area; 4. A study of the colleges and also of the secondary-school system in this country; and 5. A study of the question of whether or not Communists, in or out of Government, have had much or little to do with certain basic decisions which are commonly supposed to have played into the hands of the Communists.

Many grants have been made by the Fund, growing out of the recommendations of the Internal Communist Menace Committee, under the chairmanship of Elmo Roper. All of the large projects conducted by the Fund itself, and related to the subject of communism, have grown out of this committee's recommendations. Two of the projects—one related to the size and extent of the internal Communist movement under project director Samuel A. Stouffer, and another dealing with "blacklisting" in the entertainment industry under the directorship of John Cogley, have been completed. Both projects demonstrate that the Fund for the Republic sacrifices facts to propaganda in dealing with the international Communist conspiracy, and more particularly, the Communist Party of the United States and its members and supporters.

### COMMUNISM, CONFORMITY, AND CIVIL LIBERTY

While the committee does not officially concern itself with ideological fuzzy-mindedness, we think that the cloudy thinking which permeates some of the Fund projects is typified by the project which led to the publication "Communism, Conformity and Civil Liberty."

## 11 VBZ - LINO

In a memorandum to the trustees of the Ford Foundation, dated February 24, 1953, and signed by Paul Hoffman as chairman of the Fund for the Republic, it was set forth that "A major factor affecting civil liberties today is the existence of communism and Communist influence in this country." The trustees were further advised that the directors of the Fund needed a deeper insight into the many difficult concepts and problems which are encountered in the field of civil liberties. To obtain these insights, the directors advised that they proposed "to undertake research into the extent and nature of the internal Communist menace and its effect on our community and institutions." We have previously set forth the position and recommendation of the Fund's planning committee, also relating to the Communist menace. From the planning committee, we know the details of the knowledge which the Fund hoped to obtain during its research. To supplement this, and to direct the gathering of this knowledge, the Fund appointed its Internal Communist Menace Committee under the chairmanship of Elmo Roper. Roper's committee felt that even if the Fund assumed that the FBI had an accurate account and dossier on the known Communists, that there would still be a necessity for their research. Roper's committee apparently realized that the mere numerical strength of the Communist Party indicated nothing in a determination of the extent to which the Communist Party threatened the security of the United States. The report stated:

A dozen farmers in the Midwest who, for one reason or another, affiliate themselves with the Communist movement, are potentially much less harmful to the United States than a dozen Communists who are active, paid agents, and who have infiltrated either an important defense industry or an important governmental body.

With this understanding, Roper's committee was required to select a research technique for the purpose of obtaining the knowledge which the Fund stated it must have. In this connection, the report stated:

Since people with different educational backgrounds have come to have more respect for one research technique than another, we think it advisable that we employ not one type of research, but as many as have achieved any considerable acceptance. For example, there are many who respect the type of research done by lawyers in preparing law cases. There are others who have more respect for public opinion research, just as there are others who have more respect for the type of research done by the FBI or by a trained sociologist. Therefore, we feel it advisable to approach this problem from the standpoint of several, rather than one research technique, and wherever the approach can be made under the auspices of a competent group who has prestige with a large segment of the public, it should be done.

Elmo Roper, chairman of the committee, at that time was owner of a public opinion research company. This may have been the reason why the first area was set forth as "a questionnaire type of study among a large cross-section of the American public from the age of 16 upward." We have shown through documents of the Ford Foundation, letters and statements to the Ford Foundation by the directors of the Fund for the Republic, and from documents of the Fund itself, the need which the Fund stated it must have. All this documentation pinpointed this need as relating to the size, nature and location of the internal Communist menace. Further, that this information was needed prior to their proceeding to fulfill their objectives. We felt that certainly the first project of the Fund would be to fulfill this objective. But let's look at the entire text of point 1 of the Roper committee's report, in order to determine what was intended when the Fund for the Republic hired Dr. Samuel A. Stouffer to direct this project which related to the size, nature, and location of the internal Communist menace.

A questionnaire type of study among a large cross section of the American public, from the age of 16 upward. We would deliberately use a large sample—perhaps 25,000—so that the maximum number of breakdowns could be made.



## 12 VBZ - LINO

A committee would be set up, consisting of a public opinion researcher, a psychologist, a sociologist, a lawyer, and perhaps an anthropologist to devise a questionnaire which would be thoroughly tested. In this study we would attempt to discover what people's attitudes are toward the key areas in which the Communist ideas differ from those of democrats. Not only would we attempt to learn people's attitudes toward Russia and world communism, but we would attempt to learn how far the Communist philosophy, and possibly the fear of it, has crept into people's beliefs about various economic, political, and sociological matters. We would also try to get some appraisal of the public's idea of the extent of the Communist menace—whether they feel they personally know any Communists; whether they feel there are any in their own town or their county; whether they think the teaching profession is half Communist or 10 percent Communist, or 1 percent; the same for labor unions and other groups. We would, in short, attempt to learn just how many of which groups of people have accepted which parts of the Communist doctrine on the one hand, and at the same time get at the current folklore about communism and an appraisal of the public's feeling about the nature and size of the menace. We would break these results down by age groups, geographic area, size of place, economic level, national and religious background.

It is premature to set down names, but a suggested advisory committee could have a respected public opinion researcher such as Dr. Clyde Hart of the University of Chicago, or Doctor Samuel Stouffer of Harvard, or Dr. Paul Lazarfeld of Columbia, a respected physiologist such as Dr. Frack Irwin of the University of Pennsylvania, a sociologist such as Leo Cottrell of Cornell, etc. Obviously, there are other people equally qualified.

The results from such a study might turn out to be dramatic. For all we know now, a majority of our people may feel there are a million card-carrying Communists in the United States, whereas the F. B. I. may be equally sure there are 25,000. For all we know now, a majority of our people may believe that there are 25 million adults in the United States who would like to see private ownership of all property abolished. And our survey may show this number to be closer to 250,000. There may, in short, be rather wide differences between what our people genuinely believe in a selected list of questions about their political, economic and sociological beliefs and what most of us think they believe.

On May 18, the directors approved Dr. Samuel A. Stouffer as director of the research described above. By September Stouffer's project was no longer referred to as an effort to determine either the size, nature or location of the internal Communist menace. It was merely a "attitude survey". At the meeting of the directors on September 10, it was reported by Mr. Roper that the special committee on attitude survey would shortly hold its first meeting. Prior to the forming of the committee and its holding its first meeting, Dr. Stouffer engaged in considerable research and consultation in order to learn the variables which would be most important and most feasible in studying attitudes toward communism, and toward means of combating it. Stouffer consulted with Raymond A. Bauer, Louis Harris, Herbert Hymian, Marie Jahoda, M. Brewster Smith, and Shirley A. Starr.

We find that from September of 1953 until March of 1954, four drafts of a questionnaire were prepared, sampled and either discarded or modified before arriving at a questionnaire which was submitted to the Fund for the Republic on March 22, 1954.

The committee staff does not possess the first four drafts, and so we are unable to study the type of questions which were discarded. Without the results of the test samplings, we are also unable to report the reasons questions were discarded by Dr. Stouffer and his committee.



## 13 VBZ - LINO

as not being adequate. We do know that much of what the committee on the internal Communist menace hoped to learn as the results of the questionnaire, was not learned because no questions were included in the final questionnaire.

A budget of \$167,000 was approved by the Fund for the Republic for this project. A survey among roughly 5,000 citizens was conducted by two national public opinion research organizations, and the findings of the Fund for the Republic were released by the Fund in the form of a book "Communism, Conformity, and Civil Liberties," authored by the project director, Samuel A. Stouffer.

The Internal Revenue regulations relating to tax-exempt organizations, tend to exempt from consideration of propaganda occasional writings and speeches. The Fund for the Republic has utilized this exemption to occasional writings and speeches, as a vehicle to carry out much of its activities. When the Fund has been challenged for either false or faulty findings, it has dodged its responsibility by stating that the views expressed are not the views of the Fund, but the views of the author. The Fund has therefore apparently guided its child through the commission of a crime, only to disinherit and disclaim him when he is apprehended. We shall demonstrate this activity more clearly in dealing with the Fund project on blacklisting.

We have seen above what the Internal Communist Committee sought when it approved the project under the chairmanship of Dr. Stouffer. When we compare this with the findings, which is Dr. Stouffer's book, we must realize that great changes were made. Did we find in the original report questions relating to "Are civic leaders more tolerant than other people?"; "How tolerant is the new generation?"; "Do women have viewpoints differing from men?"; "How far does the Communist threat account for intolerance or non-conformists?" The key area described by Roper's Committee was the one in which the Communist ideas differ from those of democrats. It also desired to learn how far the Communist philosophy had crept into people's beliefs about various economical, political and sociological matters. What caused the change, and what was the Fund attempting to establish in preparing the final draft of its questionnaire? We believe that the Fund, through the final draft of the questionnaire, was attempting to first, establish that the feeling of the American people toward the Communist Party and Communist Party members was motivated by fear. Failing to find this, tolerance towards non-conformists, principally members of the Communist Party, but including atheists and socialists, was selected to support those who opposed the denial of employment to Communist Party members in our schools, colleges and yes, even the Federal Government. We feel that the closing paragraph of the Stouffer Committee report, together with the nature of the questions including the questionnaire and Dr. Stouffer's analysis of the tabulations prove this charge. The last paragraph of the report rendered the Stouffer-directed committee reads as follows:

The committee [Stouffer's] believes that this proposed study if carried out with skill and thoroughness, can be of great importance in aiding our understanding of problems basic to the mission of the Fund for the Republic. A note of sober caution, nevertheless, is in order. *Nobody can guarantee in advance that all that we might hope for from such a study can be accomplished.* In some of its objectives it may fall short. But it has been prepared with conscientiousness, and every question included has been weighed carefully as to its possible utility in the final analysis, although the purpose of some of the questions may not seem obvious at first glance. Criticism may be expected. The Committee has sought to avoid personalities (except for symbolic figures such as the President and the head of the FBI) and to avoid the details of current political party controversies. While we have tried always to be discreet, we have not dodged inquiries necessary for a better understanding of attitudes which may have far-reaching consequences in America.<sup>6</sup>

<sup>6</sup> Report to the fund from Special Committee on Attitude Survey, March 22, 1954.

...of tax-exempt  
...by the Fund for the Republic. The end product was not distributed to the American people as a tax-exempt enterprise, but rather was made available to the American people through a book. If the American people were to be educated by this survey, it was necessary for them to purchase the book at the cost of \$4 per copy. From the document of the Fund for the Republic, including its committees, we have shown what the Fund for the Republic desired to know with respect to the extent of the internal Communist menace. We have further shown through the Stouffer Committee document and the document of the Roper Committee how this original intent was modified to a point where only by tracing the sources could we establish the relationship between the original proposal and the end product.

Professor Stouffer and his book sets forth that the survey was intended to examine the depths of the reactions of Americans to two dangers. (1) "From the Communist conspiracy, outside and inside the country," and (2) "from those who in thwarting the conspiracy, would sacrifice some of the very liberties which the enemy would destroy." Rather than what was originally intended of the survey, Professor Stouffer tells us that his survey dealt with "imagined provocation," "state of pathological fear," and whether or not the images about Communists, which people carry in their heads, are related to the willingness to deprive "other nonconformists," who are not necessarily Communists, of civil rights.

Professor Stouffer tells us on page 24 of his book, that he was possessed with a bias, although he does not explain the nature of the bias. To cover up those instances where his bias showed, Professor Stouffer wrote "The author has tried earnestly to be objective—to keep his own convictions about the dangers of assaults by both Communists and anti-Communists upon the dignity and freedom of the human spirit from coloring his judgment as an analyst and reporter." Where his bias does show, Professor Stouffer asked his readers to "supply your own correction factors in interpretation." To expose the bias uncovered by the committee would require a document consisting of as many pages as Professor Stouffer's book, but we shall examine a few.

The survey was conducted among 4,933 residents of the United States over age 16. Included in the 4,933 were 1,500 civic leaders. The civic leaders comprised union officials, presidents of chambers of commerce, elected city or county officials and the presidents of organizations such as the D. A. R., League of Women Voters, and the American Legion. Fear was the universe around which the majority of the questions revolved. An analysis of the questionnaire clearly showed that the questions were prepared in such a manner that the suspicion of fear as a motivation of action. When fear did not hold up, a substitute for fear was quickly injected. Because the subject of fear started the questionnaire, even the very first question, fear of communism fell flat by question 4, when it was found that only 3 percent of the people surveyed expressed a fear of communism. Tolerance and intolerance was then substituted as the Fund's universe, and this is the theme of Professor Stouffer's book. According to the Fund for the Republic, through its project director, Professor Samuel A. Stouffer, an American is tolerant or intolerant, depending upon his views of the rights which he would accord to socialists, atheists, Communists and a fourth category of individuals described as "a man whose loyalty has been questioned before a congressional committee, but who swears under oath he has never been a Communist."

The committee investigators, in reviewing the records of congressional committees, cannot visualize a witness who fits the category described in the fourth category. The survey did not attempt to define this individual, and it must be assumed that those who answered the question were as confused as are we. In the main, the questionnaire asks of each of these four categories whether they should be permitted to make a speech in the community, whether a book they wrote should be removed from the public library, or if they should be fired if they happened to be teaching in a high school, college or university. With respect to the Communists, or the individual whose loyalty was questioned, the questionnaire sought to learn also whether or not either or both categories should be fired if they were employed as a radio singer, and whether or not, if they were on a sponsored program, the respond-

## 15 VBZ - LINO

ent would stop buying the product of the sponsor. Also included in the questionnaire restricted to the Communists, were questions which related to the revocation of American citizenship, putting an admitted Communist in jail, tapping private telephones in order to get evidence against Communists, and severing a friendly relationship with an individual who was either a Communist 10 years ago but was not today, or one who had been a Communist until recently. Also included in the pattern of tolerance and intolerance was the question as to whether or not it is a "good idea or a bad idea for people to report to the FBI any neighbors or acquaintances whom they suspect of being Communists?" It is in chapter 2 that Professor Stouffer engages in his first bit of sleight-of-hand. On page 45, after setting forth the question relating to reporting to the FBI, Professor Stouffer after placing his own analysis on the answer to the question, makes reference to the fact that the respondents were handed a card and were asked which, in their opinion, of the two statements printed on the card were the more important. "To find out all the Communists, even if some innocent people should be hurt," or "to protect the rights of innocent people, even if some Communists are not found out". Because these questions followed immediately after that relating to the FBI, it is implied these questions or statements refer to reporting suspected Communists to the Federal Bureau of Investigation. However, these two statements were used in the questionnaire with respect to investigation by congressional committees. If we look at the complete questionnaire, filed as an appendix to Professor Stouffer's book, we can see the loaded nature of the questions relating to congressional committees and become convinced that these two statements were thrown in as the last straw to find some expression from the American people which would closely approximate the position with respect to congressional committees held by Professor Stouffer.

The Director of the Federal Bureau of Investigation has repeatedly acknowledged that the work of congressional committees investigating Communism has supplemented the work of the Federal Bureau of Investigation, yet the question was asked whether the respondent thought that "these committees are actually making it harder for the FBI to catch Communists." And while 4,933 respondents were asked this question, only the responses from those who acknowledged an affiliation with either the Republican or Democratic Parties was made public in the report, and the report acknowledges that the percentages used refer only to less than one-half of the respondents. On top of this, the same treatment was given to other questions relating to congressional committees such as "Are these committees as much interested in getting publicity and votes as in protecting the country from the Communist threat?"

In the "suggested procedures for studying the size and extent of the internal Communist menace", the Roper Committee acknowledged that certain people distrusted findings obtained by public opinion surveys. This is primarily because the questions can be worded or arranged to obtain the desired results. Ambiguous questions such as those used by Professor Stouffer assist this objective. Take the Fund survey questions: "Consider a man whose loyalty has been questioned before a congressional committee, but who swears under oath he has never been a Communist, should he be allowed to make a speech in your community, or not?" Does the fact that he denies that he ever was a Communist establish his loyalty? Even with such an anonymous description the survey also asked if somebody suggested his book be removed from the library, would the respondent favor removal? Also, should he be fired from his employment as a "high school" or "college" teacher, "defense plant," "shoe clerk," or "radio singer?" Answers to these questions, as confused as the subject of them is, were used in determining the tolerance or intolerance of the respondents. Only by reading a series of articles in Look magazine by Professor Stouffer, and published prior to his book, do we learn that "whose loyalty has been questioned" means simply that he was

<sup>7</sup> Look magazine, March 22 and April 5, 1955

accused of being a Communist. How much more accurate would the questions have been if a questionnaire would have read: "Consider a man who was accused of being a Communist but who swears under

## 16 VBZ - LINO

oath he has never been, should he be allowed to make a speech in your community?" Would the percentage willing to permit him to speak be higher than the 70 percent reported by the Fund? We feel sure it would. An honest wording would have made more understanding Professor Stouffer's statement: "In other words, a man accused of being a Communist is granted a greater degree of freedom to talk than is a man opposed to religion?"

Professor Stouffer found that "the American public is clearly not quivering with fear and anxiety." However, his book makes the most of all opportunities to exaggerate restriction on freedom. The survey showed that 87 percent of the respondents felt free to speak their minds. Of the 13 percent who did not feel as free, 5 percent of the community leaders or 10 individuals expressed much concern over this restriction. Almost an entire chapter is built around these ten, with seven being quoted. Seven individuals out of 4,933 are used to exhibit a climate of fear which Professor Stouffer, himself, found not to exist.

Political interest of the American people in respect to Communism was also studied. "Inflated" was Professor Stouffer's findings when 11 percent answered very closely, 45 percent fairly closely, and 44 percent hardly at all, to the question of how closely they followed news relating to communism. "Occasionally" was the fourth part of the question according to the questionnaire. It was dropped from the reported results. In which of the three categories did he place the respondents answering occasionally. Was it "fairly closely" or "hardly at all"? While this is of little importance this play with figures, questions the accuracy of other presentations. It compares with the technique of showing a political apathy by reporting, not that 70 percent of the respondents were able to name a Congressman or Senator, taking a leading part in the investigations of Communism, but by reporting that 30 percent could not.

The number of respondents to the Fund survey are listed as 4,933. Yet when we examine Stouffer's records we find an inconsistency even in this. On page 55 of the Stouffer book, the number of respondents are listed by "time of interview." In totaling the case, we arrive not at 4,933 but 4,882. On page 89, the respondents are broken down into age groups for the purpose of establishing tolerance, or lack thereof, by age. Running the range from 21 to 60 and over the number of cases are reported not as 4,933, or 4,882, but 2,768. On page 90, the respondents are broken down into educational level from college graduates down to and including some grade school. While its foreseeable that some respondents had no schooling, its inconceivable that only 2,763 of 4,933 did have. With only a little more than half of the respondents included in the statistics, how can one judge the accuracy of the findings relating to tolerance based on age and education. It will be recalled that this confusion in part was dealt with in an editorial which appeared in the Saturday Evening Post. The same editorial which according to President Hutchins of the Fund, "is characteristic of the times that the Saturday Evening Post has said editorially that this study shows the dangers of education."<sup>s</sup>

<sup>s</sup>The Berea Alumnus, October 1955 Speech before graduating class, June 1955.

The numbers game is again played on page 181, where there is set forth "in the national cross-section of 4,933 cases, there were 158 cases or 3 percent who claimed to have known a self-admitted or self-proclaimed Communist." Compare these figures with those set forth only two pages later, when in dealing with the 1,500 community leaders, less than one-third of the 4,933 which comprised the cross-section, 11 percent or 166.9 said they had known a self-admitted or self-proclaimed Communist.

Many other examples could be presented of Professor Stouffer's indulgence of fraud by numbers. The principal question to ask is what was to be gained by these misrepresentations. Professor Stouffer admitted he was biased but claimed he had controlled this bias, at least to the extent of the original questionnaire or the analysis of the results. Most of the intolerant people are good wholesome Americans, writes Stouffer. As to why they are then intolerant, Stouffer finds, "many of them, as we have seen in this book, are simply drawing quite

## 17 VBZ - LINO

normal and logical inferences from premises which are false because the information on which the premises are based is false." Several apparent examples of this are given by Stouffer.

When, for example, national figures say flatly that our schools and colleges are full of teachers of atheistic communism, can we blame an average citizen who has no first hand access to the facts if he comes to think a purge of the educational system may be necessary.

Professor Stouffer must certainly have been hiding his first hand facts from the Fund for the Republic because they commissioned hundreds of thousands of dollars on such educational projects as "Fear in Education." Professor Stouffer was commissioned to determine the size, nature and extent of the Communist menace. Instead he perverted the study to what he described in "Look" as a determination of "What is on the mind of the American People? What are they thinking about, worried about, concerned about? We asked our cross section of America." He found that they disliked communism and everything which comprised the Communist conspiracy? Stouffer then writes:

When politicians for partisan advantages exaggerate the current spread of the Communist conspiracy, can we blame an ordinary person for supporting drastic measures to stop the supposed conversion to Communism of people in key positions in Washington or in our foreign service, armed forces, or defense plants?

Is J. Edgar Hoover's statement such as his testimony before the House Appropriations Committee an example of exaggeration:

Factual data compiled by the Bureau daily through its counterintelligence operations clearly portrays the international Communist movement as the greatest menace free civilization has ever found.

Stouffer presents no evidence that the Communist Party has deserted its policy or object of conversion, and he cannot believe it has. As for key positions in Washington, as he describes them, they have no place in his book. He inquired about Communists in Government or defense plants. He did not distinguish between the janitor or head of a department of a government agency. In defense plants, he did not distinguish between positions or the degree of secrecy which surrounded the contacts upon which the Communists worked. Compare this with Newsweek's "A Measure of Fear" in the issue of May 9, 1955. Newsweek quotes Stouffer " \* \* \* I wouldn't allow a Communist near a college faculty, and I certainly would not let one get into a defense plant".

Stouffer also played down the fact that a large percentage of respondents approved congressional investigation of communism. To minimize his findings, he selected political affiliation only, rather than cross-sectional figures in dealing with many questions relating to committees or the FBI. Other questions relating to committees and their procedures and operations, he elected to conceal completely. Part of the reasons given by Stouffer for this position on the part of the people is:

People who don't like the fellow who pushes others about in a crowd, or who edges around ahead of others in a line, or who beats up somebody weaker than himself, may still approve *tactics that take advantage of witnesses.*

Are committees exposing communism, motivated by truth? Stouffer infers that they are not. Without proof, he writes, "While nobody likes a liar, some of the public has to learn that Communist conspirators are not the only liars." He then describes the other liars, "those who evoke the public's emotions through exposing or claiming to expose Communists, sometimes also trifle with the truth."

Professor Stouffer listed certain suppositions all related to fear, such as "climate which has been created in our public service which is unnecessarily preventing loyal citizens, whose skills are needed, from serving the country effectively or from serving it at all"; or "research and development program which must keep us ahead of Russia in weapons' race may be lagging because of such unnecessary harass-

ment", or "foreign-service officers were afraid to tell Washington unpleasant truths in their dispatches for fear of future persecution"; were set forth to indicate that if the people believed these things their answers would be different. That these suppositions or the questions included in the questionnaire were not necessarily to be related to the truth is confirmed by Stouffer. "The function of this book is not to state whether facts alleged in these questions are true, or only partly true, or false". Stouffer then declares that the overwhelming majority of the public do not even know that such allegations, such as those to which we have referred, are being made.

Stouffer gave as an example at point that, "when asked to describe in their own words the good things and bad things [two separate questions in survey] which congressional investigating committees have done, only 14 people out of 4,933 in our cross-section mentioned any of these allegations". None of the "good things" are even hinted at by the author. And even in this connection we have a discrepancy. In his "Look" article Stouffer raised the 14 to 20 and pinpointed the allegations. He wrote in Look magazine. "Only 20 out of almost 5,000 people volunteered any mention of matters \* \* \* such as the treatment of witnesses before committees in Washington, challenges to the loyalty of educators and scientists, local vigilante action, etc."

Professor Stouffer used his scale of tolerance to cast reflections on the Legion, V. F. W., and D. A. R. The scale of tolerance, which scale was based on either ambiguous or misleading questions, was used to find that "the study has shown that heads of patriotic groups like the D. A. R. and the American Legion tend, *as might have been predicted*, to be less willing to tolerate nonconformists". Stouffer makes this finding in spite of the fact of his subsequent finding that "nearly half of the local D. A. R. regents and commanders of Legion posts tend to score in the "more tolerant group." The educational levels of the veteran, not a consideration on the field of battle, is found by Stouffer to be "disproportionally low." He then uses this finding to infer that they were permitting the Legion or V. F. W. to deceive them or else they, because of their low educational level, are not qualified to have an opinion on the heritage of America. In addition, because their educational level is disproportionately low they are intolerant.

Assisting Professor Stouffer was Gordon N. Allport. Allport cannot be considered unbiased in his approach to a study designed to determine the size, nature and location of the International Communist menace. By his public action in demanding repeal of the McCarran Act, he has declared his opposition to legislation designed to regulate Communist activities. By his demand for abolishment of committees investigating communism, he has proclaimed his disapproval of investigations of Communism. These were the subject matter of the survey upon which Stouffer credited him with contributing memoranda and criticism. Needless to say, it was Allport who favorably reviewed Stouffer's book in the May 14, 1953, issue of "Saturday Review." Several other consultants to Professor Stouffer were equally biased. The opinions expressed by the respondents related to their economic and religious outlook. The disapproval which the respondents voiced were reflections upon them, and therefore required challenging.

To counteract the intolerance which Professor Stouffer constructed a scale to determine, he recommended "a long-sustained program of public education through the press, radio and television, and more direct local influence, based not primarily on the negative theme of 'pooh-poohing' the Communist threat but principally on the positive theme of the supreme importance of civil liberties, could be expected to have an affect."

While on this subject, the committee staff desires to call attention to the following language which appears in the law relating to tax-exempt organizations:

Its net earnings must not inure in whole or in part to the benefit of private shareholders or individuals

The present chairman of the board of directors is Elmo Roper. Mr. Roper in 1953, while a member of the board, but prior to his chairmanship, was the sole owner of a public opinion gathering company. He was also chairman of a committee of the directors known as the "Internal Communist Menace Committee."



## 19 VBZ - LINO

Roper's committee recommended a public opinion survey as a means of carrying out a part of the Fund's announced intention to determine the extent of the internal Communist menace. Samuel A. Stouffer was appointed director. At a special meeting of the directors held on June 16, 1953, the Stouffer project was discussed. Stouffer, at this meeting, expressed the desire to use Roper's company. The propriety of such action was resolved by the unanimous vote of the directors that, "Professor Stouffer should select another organization \* \* \*". Thereafter \$23,119.68 was paid to Audience Research, Inc. (Gallup), Princeton, N. J., and \$20,573.77 to National Opinion Research, University of Chicago. Roper's company thereby lost an income of between \$23,000 to \$43,000.

Over a year later the Fund again decided to use a public opinion technique to prove its point, this time in connection with its "Fear in Education" project. At a directors meeting, held on September 15, 1954, Paul Lazarsfeld, the project director, indicated his intention to use Roper's company. The directors approved the use of Roper's company. Apparently the propriety of the action was questioned because the directors at this annual meeting of November 8, again considered this employment. The minutes read:

The board reaffirmed its action, taken at the September 14 meeting, authorizing the employment of Elmo Roper's organization in connection with the study of fear in education under Professor Lazarsfeld's direction.

\$41,788.01 was paid to Roper's firm by the Fund for the Republic. Was the Fund, with forethought, deliberately violating the law? This appeared to be the case until the committee staff located an article on page 37 of the New York Times of January 17, 1955. This article reports that Roper's firm has changed from a single proprietorship to a partnership. When did the change take place and did the directors of the Fund know the reason for this change when they reaffirmed the employment of Roper's firm on November 18, 1954? Was the change designed to circumvent the law? The propriety of this expenditure is questionable. It should also be pointed out that Louis Harris, the codirector of the "Fear in Education" project was an employee of Roper's firm when first appointed as codirector. Also, that with the change, as was reported in the Times, he became a partner in Roper Associates. Harris' income which was in excess of \$3,000 is not included in the \$41,788.01 which was paid directly to Ropers' firm.

### FREEDOM AGENDA PROGRAM

Early in 1954, Anna Lord Strauss, an official of the League of Women Voters, commenced informal discussion with President Clifford Case of the Fund. Mrs. Strauss' purpose for approaching the Fund was to seek a grant of money to combat a "climate of fear and suspicion" which has been "generated in this country by many factors". She described the factors as "the prolonged 'cold war', restrictive security measures, the nationwide 'hate campaigns', and the emotional strain caused by the Korean conflict."

<sup>a</sup> Proposal of the Carrie Chapman Catt Fund to the Fund for the Republic, March 29 1954

Apparently, because the Fund was prohibited by law to engage in political activities, or the influencing of legislation, it could not appropriate to the League of Women Voters. This was also not desirable because the League was on record with opinions on these subjects. A disinterested vehicle was needed. The Carrie Chapman Catt Memorial Fund, Inc., became the disinterested vehicle.

The Carrie Chapman Catt Memorial Fund, Inc., was incorporated as an educational fund on December 18, 1947. Freedom Agenda pamphlets identify CCCMF as a research and educational fund created by the League of Women Voters.

After a couple of months of informal negotiation, Anna Lord Strauss, writing on the letterhead of the tax-exempt CCCMF, made a formal request of the Fund for \$45,000. This money was to be used for the preparation of "objective and unbiased" study materials, and to defray expenses necessary to contact national organizations, to organize discussion groups, and train their leaders. On April 1, the Fund appropriated \$45,000 for use in community level education



## 20 VBZ - LINO

programs concerned with relationship of individual freedom and national security.

Anna Lord Strauss became chairman of the program which in June was named "Freedom Agenda". Alfred H. Kelly, chairman of the department of history at Wayne University, became its director. Individuals were contracted to author the basic pamphlets to be used in discussions. Alfred H. Kelly was assigned "Where Constitutional Liberty Came From". Zachariah Chafee, Jr., a professor at Harvard, now deceased, was assigned "Freedom of Speech and Press". Jack Peltason, a professor of political science, University of Illinois, was assigned "Constitutional Liberty and Seditious Activity". Robert K. Carr, professor of Law and Political Science, Dartmouth College, was assigned "The Constitution and Congressional Investigating Committees". Alan Westin, a teaching Fellow in Government, Harvard University, was assigned "The Constitution and Loyalty Programs". T. V. Smith, Maxwell Professor of Citizenship and Philosophy, Syracuse University, was assigned "The Bill of Rights and our Individual Liberties". Other pamphlets such as "Let's Talk About Liberty" and "How To Organize a Freedom Agenda Project" were also commissioned.

Before the pamphlets were prepared, negotiations were resumed with the Fund for an additional appropriation. By this time Robert M. Hutchins had succeeded Clifford Case as President. The renewed discussions were thereafter between Mrs. Strauss and Mr. Kelly, representing Freedom Agenda, and Mr. Hoffman and Mr. Hutchins, representing the Fund. The additional request of the Fund encompassed a budget of either one year at the cost of \$250,000 or 2 years at \$500,000. This budget provided that Freedom Agenda would be responsible for all expenses necessary. Not being acceptable to the Fund, an amended request of \$88,840 for 12 months, or \$133,260 for 18 months was submitted. The primary disagreement revolved around the desire of Paul Hoffman to restrict the program to existing organizations.

On September 13, 1954, Mrs. Strauss, in submitting the reduced budget, commented on this organization objective:

We agree with you that the most efficient means is by working through existing organizations. However, if this method were to exclude interested persons, if outsiders were not encouraged to come into the planning and the leadership training, we fear the result would be to underscore the lines of demarcation, already too apparent in many communities. Some cooperative groups already exist, but they are few. If people can be encouraged to join together on the basis of ideas they hold in common, we believe they will discover that their points of view are not as far apart as they think, and that their differences will prove refreshing and stimulating to them. This was our purpose when we suggested setting up new discussion groups. \* \* \*

The above quote, plus other documents, makes evident certain assumptions, (1) the Freedom Agenda programs were primarily under the leadership of Women Voters; and (2) the programs were not intended to reaffirm the approvals expressed by the people of such things as Congressional investigations of Communism, loyalty-security programs, removal of Communists from education, or of legislation such as the Smith, McCarran and Internal Security Acts.

Because of the limited role assigned the Carrie Chapman Catt Memorial Fund, the Fund appropriated not \$500,000, the larger request, or \$88,840, the smaller, but \$66,610, which was approved by the Fund director in November 1954. Additional appropriations brought the total appropriated up to \$166,610. Toward Freedom Agenda the Fund also appropriated \$20,000 to the Council for Social Action of the Congregational Christian churches, \$5,000 to the National Board of the YMCA, \$8,000 to the National Board of the YWCA, and \$4,000 to the Universalist Service Committee.

As an important sidelight, we desire to point out the threatened political intimidation which has resulted from these grants. Ray Gibbons, Director of the Council for Social Action of the Congregational Christian Churches, wrote to members of the Committee on

## 21 VBZ - LINO

Un-American Activities and inquired if the Committee was planning additional investigations of the Fund for the Republic. While expressing a hope that the Committee had no such plans, he wrote to Congressman Gordon H. Scherer:

As you know a number of religious agencies are now conducting projects which are supported by grants from the Fund for the Republic. A number of representatives of these agencies are prepared to release a joint statement to the press and to take vigorous action with their large constituencies, if necessary.

While negotiations were going on between the Fund and the Carrie Chapman Catt Memorial Fund, the League of Women Voters were making their plans to provide leadership. That the Fund was actually financing a project at the League of Women Voters, is indicated by a memorandum dated June 30, 1954, from Mrs. John G. Lee, League President, to "Local and State League Presidents". Relative to a League program on "individual liberty", Mrs. Lee wrote " \* \* \* the details which were essential for future Board planning were dependent on the materials being prepared by the Carrie Chapman Catt Memorial Fund. In order to avoid confusion, it is necessary to coordinate League planning with that of the Fund which will make a major contribution to the total community effort in this field."

In adopting the program, the League had as its end-product a political action campaign. Mrs. Lee's memorandum made two observations relating to League action:

In adopting the national Program item on the subject of individual liberty, the Convention recognized the importance of thorough study of basic subject matter, working with the whole community, before the League membership attempted to reach agreement on action on current proposals.

Mrs. Lee set this forth as a part of point 5 of a planning outline:

Unit consideration with a view to legislative positions to be taken by the League should come after the community job.

Political activity is one of the functions of the League. However, the influencing of legislation is prohibited of the Fund for the Republic. Likewise, a direct appropriation to the League by the Fund would have been prohibited. The appropriation to CCCMF appears to have been made for the purpose of permitting the Fund to engage in activities which neither it nor the League could do with tax-exempt money. Also, the true role of the League was to be camouflaged. As Mrs. Lee wrote:

From the beginning, the League should be especially careful to work with individuals and groups in the community, so that it will not seem to be a League-owned project. Particular care must be taken in those communities where Leagues have had local or state items in the field of individual liberty, because the League may already seem committed to a position. It is important for the League to approach its community in the role of learner rather than advocate.

It appears that the Freedom Agenda Program, from its inception, was a campaign intended to disguise the role of advocates. The Committee's first realization of this comes from "Commentary", a publication of the American Jewish Committee. In the January 1955 issue, there appeared a story "Libertarian Precepts and Subversive Realities", by Alan F. Westin. The article was based on a paper read before a panel in Individual Freedom and National Security at the American Political Science Association convention in September 1954. In September 1954, Westin was preparing his pamphlet "The Constitution and Loyalty Programs" for the Freedom Agenda program. Being on the inside, he should have been in a position to know wherefore he wrote:

Red issue can no longer send the electorate into a frightened stampede. At the community level, concern has spread that our civil freedoms may have been mishandled these past

## 22 VBZ - LINO

years; this concern is typified by the League of Women Voters' sponsorship of Freedom Agenda \* \* \*.

"The Libertarian Precepts and Subversive Realities" is an objective appraisal of the civil liberties picture as the "Libertarian" should look at it, but does not.

According to Westin, Libertarians understood what they were opposed to—punishment of thoughts rather than deeds, test oaths, investigations of "loyalty," blacklists for "un-American activities, etc., etc." Libertarians were active, too, in defending and advancing these positions. Westin then went on to point up the three major errors of the libertarian concept. So important are these to an understanding of Freedom Agenda, and the Fund for the Libertarian they are produced hereafter. They are produced also to understand Westin's "The Constitution and Loyalty Programs".

Westin wrote:

Despite the apparent soundness of their principles, the luster of their letter-heads, and the energy of their supporters, the years since 1945 have marked one defeat after another for the libertarians in the struggle over internal security measures. The first issue, which sharpened between 1945 and 1947, had to do with the nature of the threat that the Communist party posed to American society. Civil liberties theory maintained that domestic Communists belonged to the left fringe of American social protest, and to a radical political party that, though objectionable, was no worse than, if as bad as, the Silver Shirts or Bundists. The correct way to deal with Communists, the argument ran, was to expose their errors of theory and shady practices, while solidifying our own theory and practice of democracy. This argument was washed away in the flood of facts that came to light after 1945, as evidence from the Canadian Royal Commission, the FBI, and Congressional committees revealed the existence in the United States of a well-organized "conspiratorial center" manipulated from the Soviet Union and engaged in espionage, the fomenting of political strikes in defense plants, and the infiltration of sensitive positions in American public and private life.

Thus the libertarian side was defeated in its characterization of the American Communist party and its effort to define the "political rights" of Communists in keeping with that characterization. The second round of the great debate over security opened after 1947. This involved the question of whether Communist infiltration of Government was peripheral, or serious and, especially, how extensive it had been under the New Deal. With a sigh of relief, harried-spokesmen for civil liberties turned away from their qualified defenses of clouded figures like Carl Marzani and Harold Christoffel, to close ranks behind Alger Hiss, almost the personification of the talented government official under New Deal liberalism. Here was a man of breeding and character being attacked by a self-confessed spy and former Communist who spoke from the rostrum of the nation's "Star Chamber." Certainly the Hiss case would turn the tide, and decency be reasserted. But after the facts of the Harold Ware cell in Washington had been bared, after the Bentley-Chambers-Weyl testimony had gone unrefuted, and after two successive trials had shaken, even Hiss's last supporters, a second line of defense was abandoned in stunned disorder.

Professor Owen Lattimore provided a third rallying point. Here was a man outside government service under criticism for his "pro-communism" and his "influence" over American foreign policy. He was not a member of the Communist Party, nor had he passed government secrets; internal security surely did not require the infringement of academic freedom and of the right to express bold opinions, however wrong or right. But the hearings on the Institute of Pacific Relations held by the McCarran Internal Security Subcommittee showed how Communists and fellow-travellers had succeeded to a large extent in manipulating an organization whose membership included high government, press, and university figures—an organization, moreover, that had exerted a powerful influence on our Far Eastern policy. After these disclosures, the slogan of "ordeal by slander" fell on unsympathetic ears in the nation.

Writing of the libertarian theory and its relation to loyalty-security, Westin wrote:

Classic libertarian theory was invoked to oppose the creation of a Federal loyalty program in 1947, and to criticize its continuation since that time. Convinced that the threat of disloyalty was overstated and part of a "drive for conformity" by the Dies-Rankin forces, many libertarians argued that government investigation was justified only in regard to unlawful conduct, not in regard to the "political and social beliefs" held by millions of Government employees. The danger of espionage, these libertarians stated, could be met by counter-espionage: FBI surveillance under existing laws or executive orders (such as those against treason, the disclosure of Government secrets, etc., etc.) was declared to be adequate protection for the Government. That this would entail risks, the libertarian freely admitted, but he felt that such risks were of the kind that a free society would be willing to run in order to avoid the excesses of a James I or the diabolism of a Dr. Goebbels. With varying degrees of emphasis, this line of argument was advanced by Alan Barth, the Public Affairs Round Table on Loyalty, Carey McWilliams, and others.

It seems to me that this argument sidestepped the really difficult question: is a loyalty program, despite its risks, necessary in the *first* place to protect our governmental process from Communist infiltration? The libertarian found it easy to parody the speeches of a John Rankin or to quote the "I hold in my

## 23 VBZ - LINO

hand . . . " proclamations of a McCarthy, but only by averting serious attention from such facts as the delivery of government secrets to Soviet agents by the Harry Golds, Judith Coplons, and Elizabeth Bentleys; the organized infiltration of government service by units like the Harold Ware group; and the general pattern of Communist-sympathizer activity in the civil services of Canada, the United States, Great Britain, and other countries. While some of the items in this pattern are open to disagreement, one does not really dispose of it by citing the charges made by businessmen in 1896 against the loyalty of the Populists, or by urging that we redouble our efforts to eliminate Negro segregation.

A footnote to Westin's article invites the reader's attention to "The Constitution and Loyalty Programs", which it describes as a "discussion of the failings of the loyalty program and needed reforms." Westin's pamphlet prepared for the information of Freedom Agenda discussion groups, is exactly that, a discussion of the failings. It was obviously prepared on to present this position. It was not an objective presentation of the needs of the loyalty security program and its resultant accomplishments and failures, but merely its failures.

Westin, in fulfilling his assignment, engaged in the very approaches which he condemned the Libertarian for using in his article in "Commentary." In dealing with the Bailey v. Richardson, in which the Supreme Court affirmed a lower court decision by a four to four vote without a written opinion, he quoted minority opinions in another Supreme Court decision to condemn the Bailey conviction. Dealing with the Attorney General's list and its test in Joint Anti-Fascist Refugee Committee v. McGrath, he pointed out that the opinion avoided any discussion of the constitutional question. Then he pointed up the fact that four of the justices, a minority of the court, attack the Attorney General's list as unconstitutional.

Loyalty programs become "Fidelity" programs in Westin's pamphlet. He asked if the programs are constitutional because under the First Amendment to our Constitution "can the federal government discharge employees not for criminal acts or faithless conduct in office, but merely because of their *political affiliations and beliefs*." <sup>10</sup> Not

<sup>10</sup> The Constitution and Loyalty Programs, p. 20.

Communist activity but political affiliation is thereafter the standard used to present these positions. Westin now apologized for many who did not perceive communism as a threat until almost the Korean conflict. Completely overlooking the Hitler-Stalin pact, the Ducloux letter of 1945, to use only a few incidents, he writes:—"Thus the view of Communist innocence continued as a sizable opinion until the conviction of Alger Hiss in 1949".<sup>11</sup> Unless Westin is offering excuses for

<sup>11</sup> The Constitution and Loyalty Programs, p. 22.

those who joined the Communist movement prior to 1949, he cannot charge that a sizable American opinion supported a view of Communist innocence at any time, even the years of depression. Let's again look at what he wrote in his "Commentary" article about the American opinion, not in 1949 but in 1947 when the first loyalty-security program by President Truman was instituted.

It is to be doubted whether any government in a society based upon majority rule, and faced with the task of uniting its people against external danger, could have ignored the countrywide concern over Communists in government—a concern known by the administration to be justified by actual cases. The concept of security, after all, has two aspects: it covers both the fact of danger and the public's apprehension of danger. This is not to suggest for a moment that innocent persons should be branded disloyal to soothe public opinion;<sup>12</sup> but that in coping with real Communists and a

<sup>12</sup> In the Fund pamphlet this sentence is rephrased to read "to soothe a misled public".  
real loyalty problem, the public mood is not irrelevant to security analysis, and cannot be waved away with a reference to the mood at Salem. \* \* \*

The above quote was used to point up a conflict of facts as expressed by Westin in two articles. It can be further used to show how Westin modifies his expression to change his position. Westin, in his Fund

## 24 VBZ - LINO

pamphlet, used the above paragraph in relationship to the creation of the loyalty-security program. A comparison of the two paragraphs is evidence of the fact that the Freedom Agenda program did not offer an objective presentation of the facts which surround the fields discussed under the program.

Bias guided the pen of certain Freedom Agenda authors. Much of the bias is documented by the actions and advocations of the authors in opposition to legislative investigations of communism, opposition to the removal of Communists from positions in government or in defense facilities or colleges, and opposition to legislation such as the Smith and Internal Security Acts. It also includes the distortions of the Committee on Un-American Activities by Robert K. Carr, as set forth in his book "The House Committee on Un-American Activities." Former Committee Chairman John S. Wood (Democrat, Georgia) gave Professor Carr full access to the committee's files. He spent weeks examining both public and executive documents and hearings. His misrepresentations were inexcusable, even though the committee has ignored them.

That Professor Alfred H. Kelly, Freedom Agenda's director, was opposed to legislative investigation was unknown until he testified before a committee of the Senate on August 29, 1955. During the course of his testimony, Senator Carlson read into the record an article from the Detroit Free Press of April 13, 1947. The article which tended to dispute Dr. Kelly's testimony, read as follows:

The discussion of academic freedom before a meeting of the Lawyers Guild turned into a series of attacks on the legislature for its investigation of American Youth for Democracy activities in Michigan colleges.

About 150 lawyers from 4 cities heard the discussion at the regional conference of midwestern chapters of the guild. The conference will continue Sunday at the Hotel Statler. Dr. Alfred Kelly, of the Wayne University history department, said:

"There is no reason why the State should be concerned with what they (students) have to say."

He charged the legislative committee, headed by State Senator Mathew Callahan, with unwarranted interference with academic freedom. "The Present Red scare has an artificial air," he said. "A professional political air." "It is being used as a means to win public office."

He characterized the AYD as an evidence of the age-old revolt of the younger generation and said, "Senator Callahan lacks historical perspective or he would realize this."

<sup>11</sup> Federal Employees Security Program, testimony p. 479

In response to a question by Senator Carlson about "instances where you have attacked congressionally appointed committees . . .", Dr. Kelly responded, "Sir, I have thought that on occasion the House of Representatives Un-American Activities Committee conducted itself improperly with respect to the Bill of Rights, that is correct. I am in writing on this point."

<sup>12</sup> Federal Employees Security Program, testimony p. 481

The writings located by the Committee are "The American Constitution, Its Origins and Development", copyright 1948, and the revised edition copyright 1955. From two short paragraphs in the 1948 version, the Committee treatment became a chapter in the revision. The revision which quotes only the expressions in opposition to the Committee, commences "The Red-hunting activities of congressional committees were a particularly controversial aspect of the postwar preoccupation with the problem of communism."

Dr. Kelly, in addition to being the program director, was the author of the pamphlet "Where Constitutional Liberty Came From." It is a factual and concise recitation of the origin of our Constitution and Bill of Rights. However, it is like other booklets used in connection with "Freedom Agenda", a historical recitation which also introduces a political position of the author.

The historical portion of the booklet is the introduction to the last four and one-half pages which argues that the "loyalty programs, security clearance, prosecutions under the Smith Act, political rights of Communists, and the like" threaten the Constitution and Bill of Rights. The author, acknowledging that there exist conflicts between his views and the views of others, writes:

This conflict cannot be resolved here; but it is necessary to remember that freedom is intrinsically so precious that it is

## 25 VBZ - LINO

worth exposing the society to some degree of risk in order to maintain it. Security is a genuine problem, but an America which sacrificed constitutional liberty to security would be an America in which something of the inner meaning of American life had been destroyed. A society without security could hardly survive in the twentieth century, but a society with security and without liberty would not be worthy of survival.<sup>15</sup>

<sup>15</sup> Where Constitutional Liberty Came From, p. 43.

Dr. Kelly argues that the threat to the liberties of communism, which he tries to protect under an absolute individual liberty theory, is being threatened by his finding that "millions of people no longer believe in a system of natural law and absolute natural right. Individual liberty, therefore, lacks any real moral force for them;". The author ignores that it was the defeat of these moral forces by atheistic communism which resulted in the enslavement of the peoples of Hungary. It was this same moral force which led the October 1956 revolution which the aesthetic forces of Russia attacked with guns and tanks.

Dr. Kelly dwells with the open society which our forefathers described as the market place of ideas where truth would expose the falsehoods of tyranny. He fails to mention the fact that communism and the Communist Party cannot survive in such a market place, and that this fact is the reason for the conspiratorial nature of communism. If Dr. Kelly knows this latter fact, he then knows that the Communist teacher conceals his Communist Party membership to sell the Communist program in the name of liberalism. For the same reason, he knows that the Communist trade union leader conceals his Communist membership to sell the Communist program in the name of Trade Unionism. He also must know that these are the reasons behind the Communist formation of its front organizations or its infiltration and eventual control of existing organizations. Was the Communist International's United Front program of the 1930's, or is Nikita Khrushchev's program of today a policy in support of the open market place of ideas? What has been the accomplishments of this program, financed by \$44,365-appropriated by the Fund for the Republic? The League of Women Voters had this to say of it at their 1956 convention:

Now is the time for American citizens to get an objective view of the entire problem. The League, with its two year background of re-examination of our constitutional heritage, is well qualified to undertake such an objective consideration of the federal loyalty-security programs—to evaluate its findings and to act upon those findings to influence public opinion when the occasion arises, through legislation. There is no better way for the League of Women Voters of the U. S. to demonstrate political responsibility than to take up this challenge now.<sup>16</sup>

<sup>16</sup> Presentation to Council of the League of Women Voters of the United States, April 1957.

Not only has the Fund attempted to propagandize the people in the acceptance of Communists, but they have awarded individuals and organizations that have accepted them.

### MARY KNOWLES AWARD

The Fund for the Republic issued a press release to the a. m. papers for Thursday, June 23, 1955. This release read: "A Quaker meeting in Plymouth Meeting, Pa., was today awarded \$5,000 by the Fund for the Republic, Inc., for 'courageous and effective defense of democratic principles' in refusing to dismiss a librarian who would not take the Pennsylvania loyalty oath." Robert M. Hutchins, president of the Fund, was quoted in the release as saying:

I hope that Plymouth Monthly Meeting's example will be followed elsewhere in America, particularly when our libraries—which seem to be a special target of self-appointed censors and amateur loyalty experts—are involved.



## 26 VBZ - LINO

With this announcement, the Fund for the Republic, an educational foundation, made a deceitful award which exemplifies many of the Fund for the Republic awards and actions.

The first and most minor of the Fund's deceptions in connection with this award is contained in the press release. While announcing that "today," June 23, the Fund for the Republic approved its award, it concealed the fact that the award was approved on May 19 and that the ensuing period had been used by the officers of the Fund to set its strategy on a propaganda campaign. A campaign which is dictated by a pencilled note appearing on a memorandum of the Fund of June 20, 1955, reading: "P. Hoffman wants to see this on the front page of everything."

On July 6, 1955, Mrs. Eleanor B. Stevenson of the Fund presented a check in the amount of \$5,000 to the Plymouth Monthly Meeting. The press releases of Mrs. Stevenson's speech stated that the award was for "effective defense of democratic principles." Mrs. Stevenson, in her speech, also stated that the award was made because an unfair attack had been made on Mrs. Mary Knowles. She claimed that the Plymouth meeting knew that the attack was unfair because the Jeanes Memorial Library Committee had made "an honest and painstaking investigation" prior to hiring Mary Knowles. This investigation, according to Mrs. Stevenson, had found that Mrs. Knowles was a loyal American. As a matter of fact, the Fund in attesting to the thoroughness of the Jeanes Memorial Library Committee investigation was returning the compliment which the Fund itself had received from the library committee on June 23, the date the approval of the award was announced. At that time, the Library Committee said in a press release:

We are, of course, immensely grateful for this recognition. One of the things we have found most gratifying about this award is the thoroughness of the study made by the Fund for the Republic. The Fund examined the library committee's complete file, including all letters of support or condemnation, all press releases and printed matter, petitions and minutes, together with such interviews as they felt necessary to their decision. \* \* \* 17

<sup>17</sup> Jeanes Memorial Library Committee press release, June 23, 1955.

"Such interviews as they felt necessary" is the key of interest. The officers of the Fund had approved the \$5,000 award on April 20, 1955, at least 2 weeks before its investigator made the thorough study for which they were commended by the Library committee. The Un-American Activities Committee has a document in its possession to prove this statement. The investigator's report is of considerable interest in that it shows that the investigator discussed the award directors of the Fund were not even advised of this award until May 10, 1955. Under a heading "An Award From the Fund," the investigator's report reads:

The members of the library committee would be more than grateful if the meeting received an award from the Fund for its defense of civil liberties. \* \* \* An award of \$5,000 would be a great boon for the Library.

Why did the library committee desire this award and the Fund desire to grant it? In order to, first, bring outside pressure to the assistance of the library committee and, second, to strengthen their position within the religious body, the Plymouth Monthly Meeting. For the proof, let's again turn to the investigator's report:

They [library committee] are not seeking publicity, but such an award would symbolize outside public opinion supporting the decision of the meeting [Plymouth monthly]. \* \* \* It is, of course, possible that the pressure from within the Meeting might one day force them to change their decision. However, the [library] committee members believe that an award from the Fund would considerably strengthen their stand. It would also eliminate the possibility of the library committee's capitulation if lack of funds forced the closing of the library. No one believes that an



## 27 VBZ - LINO

award would make the controversy more bitter or act as a greater divisive influence within the community. The members of the library committee are not looking for a "pat on the back." But John Archibald, clerk of the meeting, said that it would be wonderful if someone told them: "Here's a chair. Sit down for a few minutes."

The Fund for the Republic assigned Maureen Black Ogden, a member of its staff, to make a "impartial" investigation of the facts. Before we examine further the campaign of deceit which was engaged in by the Fund for the Republic, let us examine the facts.

Mary Knowles was born Mary Gardner in Massachusetts. She was educated in the Watertown public schools and completed her formal education after her junior year at Bates College in 1933. While at Bates, she met and married Clive Knowles, from whom she is now divorced. Clive and Mary Knowles were active in behalf of the Communist Party in New York and Massachusetts prior to 1944, when the Communist Party formed in Boston, Mass., a "Workers' School." After the Workers' School had held only three or four classes, it was exposed in the Boston press as a school of the Communist Party. Thereafter, it lost the facilities in which it conducted its classes and was forced to close.

Almost immediately thereafter, the Communist Party was instrumental in having organized the Samuel Adams School for Social Studies. The Communist Party was able to get Professor Harrison L. Harley to serve as director of the new school. They had been successful in getting him prior thereto and for many years thereafter to support many of their Communist undertakings. Harley was not a card-carrying member of the Communist Party and because he was not, he was only the figurehead director. The school was under the complete control of the executive secretary, Margaret Gilbert. She was a top functionary of the Communist Party and a person very influential within the professional section. Margaret Gilbert, who was subsequently indicted under a Massachusetts syndicalism statute, which indictment was dropped as a result of the Steve Nelson decision by the Supreme Court, admitted to the Committee on Un-American Activities that she was a member of the Communist Party during the period she was executive secretary of the school. The treasurer of the school was Harry Winner, a relative of Mary Knowles and an individual indicted along with Margaret Gilbert under the Massachusetts syndicalism statute. Mary Knowles resided at the Harry Winner residence.

The Samuel Adams School differed from the Workers' School in that its curriculum included courses of studies which would bring under the influence of the Communist Party children as young as age six. It was to these children that Mary Knowles applied small doses of communism. The Samuel Adams School enrollment was not restricted to only members of the Communist Party, but was a school designed to bring non-Communists under Communist Party influence, if not direct membership. History will show how many youths instructed by Mary Knowles at the Samuel Adams School were started on the road to eventual Communist Party membership and possible treason against the United States.

Mary Knowles' position within the Communist Party was of such stature that she succeeded Margaret Gilbert as the school's executive secretary and in this position took over the direction of the school. Mary Knowles, according to the winter term 1948 catalog of the school, held the position at the time the school was cited as a Communist school by the Attorney General of the United States and held it at the time the school lost its Federal tax exemptions which resulted in its closing.

Mary Knowles needed employment after the school was closed and the Communist Party, through its connection with the Communist-dominated United Electrical, Radio and Machine Workers of America, at that time a CIO affiliated union, arranged for her employment on the staff of UE. While a good Communist, Mary Knowles was a poor union organizer and she held this employment for only a few months. Thereafter, Mary Knowles applied for the position of a librarian with the Morrill Memorial Library, Norwood, Mass. In her

## 28 VBZ - LINO

application for employment, she concealed her employment with the Samuel Adams School and her membership in the Communist Party.

By this time, the first indictments of Communist Party leaders under the Smith Act had been made public and the Communist Party had been reorganized to the point where it no longer issued Communist Party cards. People of professional standing or those affiliated with professional sections of the Communist Party were placed in positions where they could forever thereafter deny membership on the basis of their not holding Communist Party cards.

Mary Knowles continued an association with those she knew and met as members of the Communist Party until she learned that members of the library committee and town officials of Norwood, Mass., had learned of her Communist Party membership. She thereafter almost completely discontinued any such association. On May 9, 1953, Herbert Philbrick, who had joined the Communist Party at the request of the Federal Bureau of Investigation, testified before the Senate Subcommittee on Internal Security. During the course of his testimony, Philbrick identified Mary Knowles as a member of the professional section of the Communist Party in Boston, with whom he met as a member of the professional section. What was Mary Knowles' reaction to the testimony of Philbrick? The Boston Evening American, on page 5 of its issue of May 9, 1953, headlined a story "Philbrick Red Charge 'Shock' to Librarian". The story starts out:

Mrs. Mary Knowles of Cottage St., Norwood, named as a Communist by former FBI counterspy Herbert Philbrick, declared today she didn't even know the man who made the accusations at a hearing before the Senate Internal Security Subcommittee at the Federal Building.

The trustees of the Morrill Memorial Library called a special meeting on Saturday, May 9, to consider action in regard to Mrs. Mary Knowles' offer to resign. The minutes of this special meeting reflect that Mrs. Knowles, who was present at the meeting, was "unwilling to confirm or deny that she is a Communist." The trustees voted to suspend Mrs. Knowles without pay until additional information relative to public statements made about her was received. The minutes read: "Every member of the board and the librarian expressed regret that Mrs. Knowles was unwilling to state whether she is or is not a Communist."

On May 20, in response to a subpoena, Mrs. Knowles appeared before the Senate Internal Security Subcommittee for the purpose of giving sworn testimony. During her appearance, she invoked the fifth amendment with respect to her membership in the Communist Party at any time, either in 1948 when Herbert Philbrick knew her as a Communist or as of May 20, 1953, when she was appearing before the committee. As a matter of fact, she invoked the fifth amendment as to whether she knew Herbert Philbrick. Yet she denied in the public press that she even knew him. Following her public appearance, she issued a press release which, among other things, indicated that she was innocent but was being persecuted through the statements of a paid informer.

The trustees of the Morrill Memorial Library at a regular meeting, on June 1, 1953, again considered the employment of Mary Knowles. The minutes of this meeting set forth the following:

The librarian was instructed to telephone Mrs. Knowles, to give her one more chance to clear herself of the charge of being a Communist; if that was not accepted, to say the Board had decided to accept her offer to resign and would send a messenger to get her resignation in writing. In reply to this message, Mrs. Knowles again declined to change the previous refusal to state whether she is or is not a Communist and agreed to write a resignation.

When her letter came it stated the previous verbal offer to resign had been prompted by her regard for Miss Phillips, and a desire to spare her trouble; that the situation had expanded since that time and she found she did not wish to resign.

## 29 VBZ - LINO

Now Mrs. Knowles had offered to resign in the statement to the press of May 9, 1953. She is quoted in the press at that time as saying:

It seems the natural thing to do, I wanted to spare the trustees and the Library any embarrassment or publicity which resulted from Mr. Philbrick's naming me.<sup>18</sup>

<sup>18</sup> Boston Evening American, May 9, 1953, p. 5.

It seems doubtful that Mrs. Knowles was considering the trustees of the Library but, rather, was considering only herself, who, if she resigned, would be forgotten as someone identified by Philbrick. In June when the trustees were willing to accept Mrs. Knowles' resignation and save her from the embarrassment of having to advise subsequent employers that she had been fired from the Morrill Memorial Library, she withdrew her resignation. This defiance on the part of Mrs. Knowles forced the trustees of the Morrill Memorial Library to adopt the only course of action available to them, an action which, according to minutes, is described: "Dismissal then seemed the only course open to the Board." Mrs. Knowles was thereafter advised that she was terminated.

The first employment for which Mrs. Knowles received consideration following her termination with the Morrill Library on June 1, 1953, was with the Library at the University of Pennsylvania. She applied for this employment on October 8, 1953. On the same date, the University of Pennsylvania wrote to the Morrill Memorial Library for a recommendation. Miss Edna Phillips, librarian, Morrill Memorial Library, responded to this letter on October 13, 1953. In her letter, Miss Phillips, while recommending her for the position, advised the library at the University of Pennsylvania that Mrs. Knowles was asked to leave because she was unwilling to confirm or deny to the Morrill Library Board of Trustees her membership in the Communist Party. On October 28, 1953, the assistant librarian at the University of Pennsylvania Library, wrote Miss Phillips in part:

We all enjoyed meeting her and regretted that the same circumstances which surrounded her association with you prevented our selecting her for the position in question.

On October 15, 7 days after she was denied employment by the University of Pennsylvania Library, Mary Knowles met with the trustees of the William Jeanes Memorial Library at Plymouth Meeting, Pa., who were in search of a temporary or indefinite replacement for their librarian who was incapacitated with a broken hip. During the interview, Mary Knowles advised them that she had been a secretary at the Samuel Adams School, which had been cited by the Attorney General and that she had appeared before the Senate Committee and invoked the fifth amendment with respect to this position. The trustees did not know that she had been a member of the Communist Party because she did not advise them. This is substantiated by Mrs. Knowles in her testimony before the Senate on September 15, 1955:

Mr. SOURWINE. Did they know that you had been a member of the Communist Party?

Mrs. KNOWLES. They did not ask me and I did not tell them.

Without even inquiring as to whether or not Mary Knowles had ever been a member of the Communist Party and without any investigation, Mary Knowles was hired by the trustees of the William Jeanes Memorial Library. After she was hired, Alice H. Ambler, secretary of the Jeanes Library, wrote Miss Edna Phillips: "Mrs. Knowles, formerly on your staff, has been suggested as a person who could help us in this emergency. Last evening she met with our board and apparently told us her story very frankly. In spite of the story, we were so well impressed with her and because of our great need, we engaged her on a very temporary basis. \* \* \*

On October 19, 1953, Miss Edna Phillips wrote Miss Alice H. Ambler as follows:

# 30 VBZ - LINO

Miss ALICE H. AMBLER,

*Plymouth Meeting, Pa.*

MY DEAR MISS AMBLER: As you mention Mrs. Knowles' having told your Board of Trustees her story very frankly, I assume you know our Board of Trustees felt it necessary to ask her to leave here because: Following the testimony of Herbert Philbrick, the Jenner Committee summoned her. She invoked the fifth amendment in refusing to answer their questions. She was unwilling to confirm or deny to our Board of Trustees her membership in the Communist Party.

Mrs. Knowles' position was based on her belief that the first amendment to our Constitution protects a citizen from having her convictions probed.

During nearly 5 years prior to this episode Mrs. Knowles' record with us was excellent. (I heard of her through the Massachusetts Division of Library Extension, and had high commendation of her from her former chief, the librarian of the Watertown, Mass., public library.)

While I do not share her position in regard to not answering our board's questions about her status with the Communist Party, I have found her, in her life and work with us, very intelligent, well-read, capable, and unusually considerate of others—both our readers and her fellow staff members. She is gifted in her work with young people and has a fine sense of humor.

Aside from the episode I have described, I can heartily recommend her for the position you mention.

Sincerely yours,

*Librarian.*

Early in 1954, the regular librarian of the Jeanes Library returned to employment and Mary Knowles was released. Thereafter, Mary Knowles sought employment with the Memorial Library of Radnor Township, Wayne, Pa., and at the Moorestown Free Library, Moorestown, New Jersey. While the reasons are not known why the Radnor Township Library did not hire Mary Knowles, it is known that the Moorestown Library did not hire her because she refused to advise them with respect to her connections with the Communist Party. By September 1, the trustees of the Jeanes Library had forced their permanent librarian to resign and had rehired Mary Knowles, whom they had still not asked whether she was a member of the Communist Party.

Prior to Mary Knowles' reemployment, her past record became known to residents of the community of Plymouth Meeting, Pa. After her permanent employment, protest was raised by members of the community. This protest was continuing when Mrs. Charles Chapple sought assistance from individuals who had direct connection with the Fund for the Republic. This assistance came through Harry E. Sprogell, an attorney in Philadelphia, who wrote a memo on the Plymouth Meeting controversy, which memo was submitted to the Fund for the Republic by John P. Roche, a professor in the political science department of Haverford College. On the basis of this memorandum, the Fund for the Republic officers approved an award of \$5,000. After the investigation by Maureen Black Ogden of the Fund staff, a special committee of the trustees of the Fund approved the award. The October 19, 1953, letter from Miss Edna Phillips was certainly a part of the file of the Jeanes Memorial Library, to which Miss Black, in her report to the Fund for the Republic, acknowledged that she had complete access. The Fund for the Republic, in approving the award, knew from this letter that Mary Knowles had been dismissed by the Morrill Memorial Library because of her unwillingness on June 1, 1953, to confirm or deny to the board of trustees of the Morrill Memorial Library her membership in the Communist Party. With these facts, each of which is documented by records in the possession of the committee, can one but wonder whether or not the Fund for the Republic by this award, described by it as being for "courageous and effective defense of democratic principles," be a friend or foe of the international Communist conspiracy.

The Committee on Un-American Activities held hearings on the award to the Jeanes Memorial Library on July 18, 1956. In order to obtain the facts, the committee, after having been refused the right to review the files, issued a subpoena for the documents contained in the files of the Jeanes Memorial Library. The committee was attacked for issuing such a subpoena by Harry E. Sprogell, attorney for the chairman of the Jeanes Memorial Library Committee, on the ground that these records were a part of the Religious Society of Friends and protected from subpoena by their religious nature. It is now clear, from the documents in the committee's possession, that to have produced such files would have produced further evidence of deceit on the part of the Jeanes Memorial Library toward the Plymouth Monthly Meet-

## 31 VBZ - LINO

ing members and flagrant misstatements of fact as contained in both the Sprogell memorandum and the report of the Library Committee to the Plymouth Monthly Meeting dated October 1954. Also subpoenaed at the hearings was Maureen Black Ogden, the staff member of the Fund for the Republic who conducted the investigation. She was subpoenaed to produce records of the Fund for the Republic relating to their award to the Plymouth Monthly Meeting. This subpoena was also issued after a request for voluntary production of the documents was denied by the Fund for the Republic. These documents shall be discussed because they can document the propaganda activities engaged in by the Fund for the Republic, in addition to documenting the Fund's contempt for all groups whose actions do not conform with those of the Fund.

If the committee had been given access to the files of the Jeanes Memorial Library, they could have documented the facts prior to the hearing held on July 18. The committee staff could have shown then, at it shows now from the facts set forth earlier in this report, that when Harry E. Sprogell related in his memorandum that the trustees of the Morrill Library in Massachusetts asked the Jenner Committee to call Mary Knowles before it, to clear her name, these were not the facts; that equally false was the claim of the Sprogell memo that Mary Knowles had declined a loyalty oath which was required of her by Massachusetts law. The file would also have disclosed that Mary Knowles had refused to state to prospective employers whether she was affiliated with the Communist Party then or at any time rather than, as set forth in the Sprogell memo, that she had been unable to obtain employment because she had disclosed these facts frankly to all prospective employers. Mary Knowles' own testimony before the Senate committee disputes the Sprogell memorandum claim that she had disclosed the facts of her Communist background. The file would have made a travesty of the truth to the Sprogell claim that the Meeting had conducted a careful investigation into her conduct since 1947. As a matter of fact, up to and including July 18, 1956, the Jeanes Memorial Library Committee had conducted no investigation into Mary Knowles' background. Other discrepancies as contained in the Sprogell memorandum can be seen from a comparison of the complete Sprogell memorandum as reproduced in the printed report of the committee's hearings of July 18, 1956, with facts as set forth above.

Mrs. Lillian P. Tapley, chairman of the Library Committee of the William Jeanes Memorial Library, Plymouth Meeting, Pa., was also subpoenaed and did appear before the Committee on July 18, 1956. She was accompanied by her counsel, Harry E. Sprogell, the author of the Sprogell memorandum from which this report has quoted above. Mrs. Tapley commenced her testimony by seeking and obtaining permission to introduce into the record a statement with certain enclosures. As it is the enclosures to the statement which are in most conflict with the facts, it is the enclosures that will be dealt with here primarily. It is desirable to point out, however, that Mrs. Tapley testified under oath before the committee: "We asked her if she was a Communist and she said no, she definitely was not." Yet Mary Knowles, in testifying before the Senate, testified: "They did not ask me and I did not tell them." Either the statement of Mrs. Tapley or that of Mrs. Knowles is an untruth. The truth lies with them.

Bearing in mind the facts as set forth above, all of which can be documented by evidence in files of the committee, let us consider the report of the Library Committee made to the Plymouth Monthly Meeting and dated October 1954. The report first deals with Mary Knowles' professional qualifications. The exaggerations of Mary Knowles' employment at the Watertown, Mass., library are not important enough to discuss, but the sentence relating to her employment with the Samuel Adams School for Social Science is the first proof of the fact that no investigation was made into the background of Mary Knowles. The report states: "Taking up full-time employment again in 1945, she was a member of the office personnel of the Samuel Adams School for Social Science for two and a half years." This is not in accord with the facts as set forth above, facts which could have easily been ascertained from catalogs of the school which were available to anyone desiring to look for them. These catalogs, as it has been pointed out, would have shown that she was an instructor of children.

## 32 VBZ - LINO

in a Communist school and also the executive secretary rather than a member of the office personnel.

The report continues with the advice to the Plymouth Monthly Meeting that from the Samuel Adams School for Social Science, Mrs. Knowles went as librarian in 1948 to the Morrill Memorial Library in Norwood, Mass., where she served for a period of nearly 5 years. This report does not set forth the circumstances under which Mary Knowles' employment with the Morrill Library was terminated. The reasons, which are set forth above, were known to the Library Committee and shall be dealt with in the letter from Edna Phillips.

After dealing with Mary Knowles' professional qualifications, the report states that the appointment of a librarian requires not only professional competence but involves the affirmative obligation of being diligent and loyal in citizenship. The Library Committee report states that any investigation finds that Mary Knowles meets the requirements of citizenship, professional competence, and character and then goes on to try to prove it to the Plymouth Monthly Meeting. The first two paragraphs after these findings identify Dr. Harley of Simmons University and Professor Struik of MIT as being among those affiliated with the Samuel Adams School. The report then states: "We found no one connected with the school who had not availed themselves of the protection of the fifth amendment." If the Library Committee examined the transcript of the witnesses, including Dr. Harrison Harley, they would have noted that he denied under oath that he was ever a member of the Communist Party. Professor Struik did invoke the fifth amendment, but denied to MIT that he was affiliated with the Communist Party. The Library Committee then reports the observation that both Dr. Harley and Professor Struik were retained by their respective colleges. This could well be the reason why the Library Committee concealed from the Plymouth Monthly Meeting the fact that Mary Knowles' dismissal from the Morrill Library resulted from her refusal to tell the trustees of that library what her affiliation was with the Communist Party as of June 1953.

The Library Committee report then deals with a statement made by Senator Welker which related to waiver of immunity, and the report assumed that in order to keep from naming other people Mrs. Knowles had invoked the fifth amendment. As a matter of fact, the Library Committee stated in the report: "We believe it did." How this belief can be reconciled with the press release issued by Mary Knowles following her appearance before the Senate Committee cannot be visualized by a reasonable person. The Library Committee then inferred that Philbrick might have been mistaken in his identity of Mrs. Knowles because, in an appearance before the Committee on Un-American Activities in 1951, he had not mentioned her, but, of course, this is what Mrs. Knowles implied when she inferred, following her testimony in 1953, that she was being persecuted as an innocent person by a paid informer. Mrs. Knowles has had ample opportunity, under oath, to deny her membership in the Communist Party and her knowledge of Herbert Philbrick. It is not for the Library Committee to make such inferences.

The Library Committee report, while attempting to discredit Philbrick's testimony in one instance, in the following paragraph attempts to use his testimony to obtain support that Mrs. Knowles is not a Communist. The Library Committee points out that Philbrick testified that during his membership in the Communist Party he knew that Communist Party members did not hesitate to swear falsely as to their party membership, but pointed out that Mrs. Knowles had refused to sign an oath that she was not, the inference being that if she was a member of the Communist Party she would not have hesitated to sign the oath.

The report then states: "The following are statements from letters in our files of people who were thoroughly familiar with Mrs. Knowles' immediate background and who, of course, knew her personally." There are then quoted three letters received in connection with the Library Committee's "thorough" investigation of Mary Knowles' background. Of the three, Edna Phillips had known Mary Knowles for 5 years. Professor Henry J. Cadbury had known her personally



### 33. VBZ - LINO

during her connections with the Samuel Adams School and subsequently during her employment in Norwood, Mass., but Hannah Severns of Moorestown, N. J., who wrote a letter dated May 4, 1954, had never met Mary Knowles prior to February 12 of the same year. Henry J. Cadbury wrote in October 1953, as chairman of the American Friends Service Committee. Cadbury's position with respect to the Communist Party and the attitude of its members before Congressional committees is public knowledge. In 1951, when the Communists were being subpoenaed from the Boston area, Professor Cadbury was one of those who took a paid advertisement in a Boston newspaper and publicly urged those individuals appearing before the committees to refuse to testify about their Communist affiliates or associates.

That part of the letter of Cadbury's which is quoted refers to Mary Knowles' Communist Party membership as "bogey of a distant past", and sets forth the assumption that her invocation of the fifth amendment was because of her desire to defend others rather than herself. Professor Cadbury's letter could have been the cause of the similar inference by the Library Committee, but, if so, it is erroneous in light of the facts. Cadbury is equally ill-informed when he sets forth that Edna Phillips "has never detected any hint of dishonesty or even secrecy in all other matters." As we shall see from the Edna Phillips letter of October 19, 1953, Miss Phillips did have knowledge of her secrecy and it was this secrecy which forced her dismissal from the Morrill Memorial Library.

In dealing with the letter which the Library Committee received from Edna Phillips, the Library Committee report to the Plymouth Meeting leaves out the first two paragraphs of Edna Phillips' letter without any of the standard notations used to show such deletions. Let's read these two paragraphs:

As you mention Mrs. Knowles' having told your board of trustees her story very frankly, I assume you know our board of trustees felt it necessary to ask her to leave here because: Following the testimony of Herbert Philbrick, the Jenner Committee summoned her. She invoked the fifth amendment in refusing to answer their questions. She was unwilling to confirm or deny to our board of trustees her membership in the Communist Party.

Mrs. Knowles' position was based on her belief that the first amendment to our Constitution protects a citizen from having her convictions probed.

The third paragraph of the October 19 letter is quoted correctly, although it is quoted as the first paragraph of Miss Phillips' letter. The following quoted paragraph also omits without acknowledgment pertinent language. The paragraph as reported in the Library Committee report starts off:

but "I have found her" is the latter part of the sentence. If the Plymouth Meeting body were honestly apprised of the Edna Phillips' letter, the paragraph would have started out:

While I do not share her position in regard to not answering our board's questions about her status with the Communist Party, I have found her, \* \* \*.

The fifth paragraph of Edna Phillips' letter is made a part of the second paragraph as quoted in the Library report. For the first time, the Library Committee indicates by asterisks that they have omitted something from Miss Phillips' letter. The words omitted, "Aside from the episode I have described," had to be deleted in order not to expose the fraud which had been committed by deleting, without reference, the first two paragraphs.

The excerpted letter of Hannah Severns to the Library Committee, as reproduced in its report of October 1954 may or may not be as complete as represented in the report. They do point out the fact that the Moorestown Free Library denied Mary Knowles employment because she refused to tell them where she stood with respect to her affiliations with the Communist Party as of 1954.

On February 12, 1954, Hannah Severns, librarian of the Moorestown Free Library, wrote to the Norwood Public Library:

## 34 VBZ - LINO

The other evening I saw Dr. Henry Cadbury and he mentioned to me a former member of your staff, Mrs. Mary Knowles, who wishes to find a library position. Henry Cadbury considers her a very excellent person.

We are looking for a person qualified as a general assistant with a special interest and experience in the field of work with children and young people.

Henry Cadbury told me briefly of the unfortunate circumstances which prompted Mrs. Knowles to resign from your library, and the need for her to locate in a more understanding community. I have mentioned nothing regarding this background to anyone on our board, but would like to have from you any part of the story you think might be necessary for us to know. I need also to know her qualifications and your fair appraisal of her ability and personality. \* \* \*

From this quoted letter, we see that Hannah Severns knew nothing of Mary Knowles and her background but what she had heard from Henry Cadbury, who also recommended Mary Knowles to Jeanes Memorial Library. Yet we find Hannah Severns on May 4, 1954, describing Mary Knowles as a person "of rare spirit and magnanimity". It appears that the Library Committee desired the Plymouth Meeting body to assume from the character of the recommendation of Hannah Severns that there had existed between her and Mary Knowles years and years of personal and knowledgeable relationship. The opening statement and the enclosures are reproduced in the printed hearings held on July 18, 1956. The entire statement and its enclosures should be examined in light of the facts as set forth in this report.

Early in 1957, following the committee hearings, the Civil Liberties Committee of the Philadelphia Yearly Meeting of the Religious Society of Friends issued a booklet which they titled "The Plymouth Meeting Controversy". This booklet, which was apparently designed to discredit the investigation of this committee and to support Mary Knowles in her employment by the Library Committee, builds its defenses around the beliefs and convictions of Mary Knowles. The booklet repeats many of the misstatements of facts which we have dealt with in the case of the Sprozell memorandum, and the statement and enclosures supplied to the Committee by Mrs. Lillian P. Tapley. The booklet, however, introduces a new item in the form of a statement issued by Mary Knowles to the board of trustees of the Morrill Memorial Library in Norwood, Massachusetts. The technique of omission or deletion of pertinent portions of this statement are engaged in by the authors of the booklet in order to change Mary Knowles' beliefs and convictions which the statement represented.

The booklet states on page 5: "Because Mary Knowles' beliefs and convictions are the foundation of 'The Plymouth Meeting Controversy,' excerpts from her May 1953 statement to the board of trustees of the Morrill Memorial Library are reproduced here." The full statement issued by Mary Knowles is in possession of the committee, and in order that her beliefs and convictions may be assessed in light of the content of the full statement, it will hereafter be reproduced. Those items deleted from the statement as reproduced in the booklet are in italics. It should be noted that the deletion removes from the statement such reasons invoked by Mary Knowles for refusing to testify as "besides that, I refuse to be an 'informer', paid or otherwise." The statement as reproduced in the booklet does contain Mary Knowles' opinion that the Senate Subcommittee, before which she appeared, was unconstitutional, and that through its investigations we are being led on the path into totalitarianism and a police state. However, the report deletes Mary Knowles' statement that for this last belief she would refuse to testify if she had not taken other grounds into consideration. To use Mary Knowles' language, we read: "Therefore, I would refuse to 'cooperate' with these committees on the last-mentioned grounds alone, even if the other reasons given were not valid,

## 35 VBZ - LINO

but which I believe to be wholly valid and honorable."

The complete statement of Mary Knowles, whom the Jeanne's Memorial Library Committee found, meets the test of citizenship, reads as follows:

### STATEMENT TO THE BOARD OF TRUSTEES, MORRILL MEMORIAL LIBRARY, NORWOOD, MASS.

*At the request of, Miss Maude Shattuck, chairman of the board of trustees, I have prepared the following statement, thinking that it may clarify my position on the events of the past 2 weeks. I am glad to do this, although I do not consider that the burden of proof should necessarily rest on me.*

*The situation being what it is, that I have been "suspended without pay from my position as South Norwood Branch Librarian, pending further clarification of public statements made about me"? I think that a résumé of my stand and the reasons therefore would be in order.*

From the beginning I have refused, as a matter of principle, to discuss my religion or my politics. This I did in the firm belief that freedom of religion and freedom of thought are guaranteed by the Constitution of the United States in the first amendment. That amendment was included in the Constitution because of a long struggle of the people against religious and political tyranny both in England and America when such freedoms were not inviolate and when much unnecessary suffering and unjust persecution resulted. These freedoms were felt to be so important that the framers of the Constitution put them first in the Bill of Rights. If the first amendment means anything, it means freedom of thought and religion to all citizens at all times: not just to some citizens, or even to all citizens, some of the time. Implicit in the first amendment is also the right to refrain from speaking, as upheld by the Supreme Court of the United States, speaking through Mr. Justice Murphy (West Virginia State Board of Education v. Barnette), with these words: "the right of freedom of thought and religion as guaranteed by the Constitution against State action includes both the right to speak freely and the right to refrain from speaking at all."

This past week I appeared, under subpoena before the Senate Subcommittee on Internal Security headed by Senator Jenner in Washington, in both secret and open hearings. In both instances I answered only questions as to my name, address and employment in the library. All other questions I declined to answer, under the privilege granted by the fifth amendment, which says: "that no persons shall be compelled in any criminal case to be a witness against himself." Lest this would seem not to apply, I would like to explain further. In the first place, I have committed no crime, nor am I facing criminal prosecution, but it is entirely possible that by testifying I could provide a link in a chain of events, or supposed events, which would render me liable to prosecution. Furthermore, the use of the fifth amendment does not imply guilt. As the United States Supreme Court stated in *Twining v. New Jersey*, the fifth amendment is a "protection for the innocent" and a safeguard against heedless, unfounded, or tyrannical prosecutions. In the second place, the investigating committees no longer uphold the validity of the first amendment and recourse to that amendment by the witness before the committee could very easily lead to contempt of Court citation and the ensuing jail sentence. In the third place, if, under compulsion [sic], I testified concerning my religion and politics, but refused to answer questions about others, I would also be held in contempt of court. Besides that, I refused to be an "informant", paid or otherwise. Fourth, if I refused to answer questions on moral or ethical grounds without invoking the Fifth Amendment, I would also be held in contempt of Court and again face a jail sentence. Fifth and last, I feel very strongly that these committees and their methods are highly unconstitutional that they represent a deep threat not only to the strength of the United States, but also to the very form of the government itself that through such investigations lies indeed the path of the United States into totalitarianism and the police state. This feeling has been greatly intensified since appearing before one of these committees. Therefore, I would refuse to "cooperate" with these committees on the last-mentioned grounds alone, even if the other reasons given were not valid, but which I believe to be wholly valid and honorable.

Although not necessarily pertinent to the situation at hand, I shall be glad to reiterate some of the moral and ethical principles by which I try to live, which I explained when I appeared before the Board of Trustees. I believe wholeheartedly in the brotherhood of man; that we are here to help one another in whatever ways we can, and to be helped; that service to others is a source of one of the deepest satisfactions we can have. I believe in the freedom of the individual within the framework of the law; and that such freedom can best be attained by free access to knowledge and truth. By inference, therefore, I am opposed to all forms of discrimination and censorship on any grounds whatever. I believe in the basic goodness of men and in the limitless potentiality for good in the human race, given an opportunity to exercise their minds and hearts. I believe that peaceful and honorable settlement of worldwide situations is not only possible but imperative; that war is barbaric, stupid, uncivilized and needless. I believe firmly in the United States of America and in the documents upon which it is founded—the Declaration of Independence and the Constitution. I believe it is every citizen's duty to uphold these documents and the United States. This duty I have performed.

If a few more personal remarks may be added, I should like to submit that my case is a straight civil liberties issue, since at no time have my professional qualifications as a librarian been questioned; nor, I might add, my integrity as an individual. The issue seems to be whether or not an individual can maintain his means of livelihood and his conscience at the same time. In order to keep my job,

## 36 VBZ - LINO

it has been suggested that I state my political beliefs and associations; and this, of course, I have refused to do. If the aim of the committees is sincerely to point out "clear and present danger" to the United States, let the issues be carried to the courts where they may be properly disposed of, according to due process of law. It would seem, however, that this is not the aim of the committees. It would seem, rather, that they choose this method to further personal political aims; and to weaken the country by the engendering of mass hysteria and fear.

The immediate situation, of vital concern to me, naturally, is the question of my reinstatement. It would seem that failure to reinstate me would indicate a basic disregard for the rights of private conscience. Although he is speaking specifically about academic freedom, I think the remarks of Professor Howard Mumford Jones in the current (June) issue of the *Atlantic Monthly* are pertinent here. "I am alarmed by the common acceptance of a situation in which responsible and intelligent administrators not only place the morality of the state above the right of private conscience, but go beyond the state in depriving witnesses both of their immediate jobs and of any prospect of future jobs in the profession for which they have been trained. . . . the situation thus developed by the administrators inevitably puts a premium upon the informer and penalizes him who does not believe it right to endanger the fortunes of other people."

What ever the decision of the Board, I trust it will be a decision based on the consciences and beliefs of the individual members of the Board for the best good of the library and the country; a decision reached without fear of reprisals and public opinion. In a sense the issue is a far-reaching one in that it concerns not only me as an individual, but also every individual in the country. The decision made by the board will become an instrument for good or for evil, not only in this commonwealth, but throughout the Nation.

[S] Mary Knowles

The documents submitted to the committee during the hearing by the Fund for the Republic, in accordance with the subpoena that had been served upon the Fund, were public documents in that they were available for review of anyone. This is true, even though the documents were not reproduced in full in the committee's report. As is the procedure of this committee and, of most of the committees of Congress, documents submitted in this manner have always been available for review by the press. The press reviewed these documents and one radio commentator elected to quote a document over his nationally syndicated, radio program. The Fund, even though it advertises itself as a champion of the Constitution and Bill of Rights, was offended by this action on the part of the radio commentator. They therefore elected to deceive the American people by charging the committee with irresponsible action in making the documents which they produced in public session, available to the Press. By telegram to the committee on August 7 and by press releases, all of which were paid by the funds of a tax-exempt foundation, the Fund for the Republic accused the committee of:

an inexcusable violation of the investigative process, that you should have made available to a radio commentator, documents obtained under subpoena from the Fund for the Republic that were never made a part of the record. The Fund cannot be harmed by your irresponsible use of this material, but the prestige of Congress cannot fail to be damaged by this abuse of the powers lodged in you. This is another example of the hit-and-run tactics pursued by you and Mr. Walter in your dealings with the Fund for the Republic.

In attempting to defend itself, the Fund for the Republic has used tactics which are similar to the prosecutor asking the witness whether or not he has "stopped beating his wife." If the committee uses accepted processes in making documents available, which documents have been submitted to it in open public session, then we are accused of making documents available which the Fund contends are not "a part of the record". Had the Committee refused to make the documents, available to the Press and to the radio newscasters, then the Fund for the Republic could accuse the Committee, as it has done in the past, of withholding from the public information and thereby accuse the committee of being guilty of censorship.

The committee staff, in reviewing the minutes of the Board of the Fund for the Republic, noticed that at the meeting in February, the board accepted criteria which should be followed by officers of the Fund in making awards such as those made to the Plymouth Monthly

## 37 VBZ - LINO

Meeting, re Mary Knowles. At a conference between the staff of the committee and counsel of the Fund, the details of this criteria were requested. Counsel Webster, in his letter to the committee of July 2, 1957, denied that there was such criteria adopted, and submitted copy of criteria which was adopted by the board on May 19, 1955, the date upon which the board approved the award to the Plymouth Monthly Meeting. This is another example of the Fund refusing to produce information on the claim that the records were not accurate in their reflections.

We have outlined above, the facts surrounding Mary Knowles and her appointment to the Jeannes Memorial Library. We now ask that this award be again studied in light of the criteria which was adopted on May 19, 1955. We also ask that this criteria be examined in light of the activities engaged in by the staff of the Fund, in order to sell the Plymouth Meeting award to the American people, to the radio, press and other media. This is the criteria submitted to the committee by the Fund and represents the item which the employment of Mary Knowles met in order to justify the award.

"(a) Outstanding. The performance must be unusual, not generally duplicated by others in the same circumstance.

"(b) The Significance. The example must be of kind to inspire emulation.

"(c) Valid. The performance must be relevant to Fund's aims.

"(d) Courageous. The performance must have involved some risk of money or of standing."

According to Fund Vice President Ferry, "P. Hoffman wants to see this on the front page of everything." In order to fulfill the direction of the boss, the staff of the Fund went into immediate action. Joseph Lyford, the Fund's top propagandist, went to work even before the Fund for the Republic announced its award. Look, Collier's, The Reporter, Time, Newsweek, and Life, all national magazines, were filled in with the Fund's version of the Plymouth Meeting controversy. The instrument used to notify this media, including Eric Severeid of the Columbia Broadcasting System, was an edited version of the Maureen Black Ogden report. On the west coast, Halleck Hoffman, son of Paul Hoffman, who was on the payroll as an assistant to President Hutchins, made contact with John Henderson, chairman of the Intellectual Freedom Committee, of the American Library Association. Henderson agreed to review the award and a copy of the edited Maureen Black Ogden report was submitted to each member of Henderson's Intellectual Freedom Committee. So sure was the Fund of support for this award, by the American Library Association, that July 6, the date of the actual award, was decided on by the Fund because the American Library Association was meeting in Philadelphia from July 4 to July 11.

In editing the report which was submitted to the Press, Radio and Television news sources, in addition to the Intellectual Freedom Committee of the American Library Association, Maureen Black Ogden included false statements relating to the circumstances under which Mary Knowles was separated from her position as a librarian in the Massachusetts community, together with the nature of the investigation made of Mary Knowles by the Jeannes Memorial Library Committee, including the statements made to the committee by Mary Knowles before she was originally hired in 1953. The edited version, like the original, continued to place the entire controversy upon Mrs. Philip L. Corson. While this section of the edited report is almost word-for-word, a copy of the original, the report deleted the false statement of the original which reads "One of the agents [Federal Bureau of Investigation] told Mrs. Chapple—not for publication—that Mrs. Corson must be a 'crackpot'." It is assumed that the fear of a libel action on the part of Mrs. Corson, because no agent of the Federal Bureau of Investigation made such a statement to Mrs. Chapple, was apparently the motivation for the removal of this sentence. The edited report also deleted those statements which we have previously referred to, which dealt with the fact that the Jeannes Memorial Library Committee felt that "such an award would symbolize outside public opinion supporting the decision of the meeting" etc., and there was substituted merely the statement "Today Plymouth Monthly Meeting is still firmly opposed to the demands for Mrs. Knowles' replacement, in the belief that the right to be silent is equal to that of freedom of speech, press and religion. It was in recognition of this

## 38 VBZ - LINO

courageous defense of individual liberty that the directors of the Fund for the Republic made an award of \$5,000 to Plymouth Monthly Meeting."

Apparently the magazines, radio and television stations contacted by the Fund, looked upon the project with some misgivings. Whether they suspected, as the Philadelphia Inquirer found in its editorial on July 20, 1956:

the House committee's hearings have shown us how Plymouth Meeting was split over the hiring of Mary Knowles, and how the Fund for the Republic intensified the bitterness and dissension by awarding the Plymouth Quaker Meeting \$5,000 for what it termed resisting "outside pressure" for dismissal of the librarian.

While we have not made a search to see to what extent these mediums covered the Plymouth Meeting award, it is evident that the desires of Paul Hoffman were not realized. But the Fund for the Republic is seldom outdone. Not meeting with success through independent news media, the Fund used a television news clip service, which it was financing, to publicize its award.

In order to be prepared with a television news clip immediately upon presentation of the award on July 6, the Fund for the Republic borrowed from the news director of WCAU, Philadelphia, film which related to the Plymouth Meeting. This was rushed to "Telefeatures", Los Angeles 14, Calif., with whom the Fund, using tax-exempt money, had a contract to produce TV clips. The film from WCAU was then edited so that it, together with a statement from Paul G. Hoffman, was presented to television stations throughout the United States.

The television news clip was marked for release at 4 p. m., July 6, 1955, the precise hour and date of the award. The covering announcement to the script and film states:

The attached film clip is supplied to you as part of an experiment on the part of the Fund for the Republic. The purpose of this experiment includes determining whether the Fund can be of service to news telecasters, and thus augment news coverage involving aspects of civil liberty or racial or religious discrimination by making available film reports of current newsworthy events. \* \* \*

The news release continues the deceit of the Fund in connection with this award. Not only does it fail to state that Mrs. Knowles was charged with being a member of the Communist Party, but it states only that she was a secretary, and an office secretary at that, of a school which later was upon the Attorney General's list. This is what the release actually says:

Criticism first arose because of Mrs. Knowles' past position as office secretary of the Samuel Adams School in Boston from 1945 to 1947. This school is on the Attorney General's list of subversive and Communist-front organizations. When Mrs. Knowles was questioned about her political activities in 1953 by the Jenner Senate Subcommittee, she invoked the fifth amendment. She was then discharged from her post as librarian in Norwood, Mass.

While the stations were not given the full story, those stations which showed the film did not give the viewers the full story. The news clip was silent except for that part which contains the statement of Paul G. Hoffman. The script which accompanied the film, contained a dialog for the announcer during the silent portion of the film. According to this script, after the film had run 7 seconds, there was a scene of the interior of the Jeannes Memorial Library. As the interior of the library flashed upon the screen, there was this narration: "Around a librarian who once invoked the fifth amendment, and later refused to take a loyalty oath." \* \* \* We do not know what was contained in Paul Hoffman's narration. The Fund for the Republic has denied that it has a copy of this TV clip and are unable to supply a copy because this was a production of Telefeatures. It was inferred to the



## 39 VBZ - LINO

Committee that the Fund for the Republic exercised no influence over what was actually shown. We have documentation of facts to the contrary.

We have seen what has happened with respect to the Fund's campaign to publicize the award through the media of press, radio, and television. Now let us look at its attempt to have its action supported and endorsed by the Intellectual Freedom Committee of the American Library Association.

The negotiations between Hallock Hoffman and John Henderson of the Intellectual Freedom Committee commenced on May 23. On May 26, Mr. Henderson advised each of his members that they would be receiving a report from the Fund for the Republic with respect to the Plymouth Meeting Award. On June 2, Joseph P. Lyford of the Fund sent each of the members of the Intellectual Freedom Committee a copy of the edited report of Maureen Black Ogden. By June 29, the Fund had heard nothing from the Intellectual Freedom Committee, so Maureen Black Ogden wrote John Henderson a letter.

Should your committee decide to commend Plymouth Meeting for its stand, we would certainly be glad to have you participate in the ceremony on Wednesday, wrote Maureen Black Ogden.

She was so sure of favorable action by the Intellectual Freedom Committee, that she concluded her letter with:

If that is inconvenient, I am sure that a Plymouth Meeting delegation would be able to go to Philadelphia at some date suitable to you.

However, the Intellectual Freedom Committee of The American Library Association took no action and typical of the Fund for the Republic, its lack of accord brought its censure. After the award, Joseph P. Lyford wrote a memo to W. H. Ferry, the Fund vice president. "I am not impressed with Mr. Henderson and his committee" wrote Mr. Lyford. And of course the Fund must attack those with whose action they disagree. This was the fate of Mr. Henderson. Henderson was cited by Joseph Lyford in the concluding paragraph of his memo to Ferry:

Henderson's final conclusion that the treatment of Mrs. Knowles represented a "personnel" problem, rather than an "intellectual freedom" matter is an example of *real leadership from the rear*.<sup>10</sup>

<sup>10</sup> Emphasis supplied.

The last sentence of Lyford's memo of July 11th, 1955, appears to sum up the reason for making the award by the Fund for the Republic. Lyford wrote "It is fortunate that Mrs. Knowles didn't have to rely solely on the American Library Association to come to her defense."

The Fund for the Republic has spent tens and tens of thousands of dollars of tax-exempt money, to obtain newspaper, radio and television coverage to learn what is written and said about the Fund for the Republic. It has spent sums in excess of these amounts to attack those who questioned the integrity of the Fund's operations. The committee is unable to state the exact amount which has been spent by the Fund for the Republic in this activity. An indication of the amount spent we believe is reflected by the expenditure of over \$7,000 to hire a public relations firm to prepare script and to purchase radio time for spot announcements following the program of a radio news commentator who questioned the Fund's activities. We have shown how the Fund has attacked through speeches of its officers and through magazine articles. The committee does not have the necessary funds to contract for a coverage similar to that contracted by the Fund. Neither do the organizations or individuals who have been the subject of attacks by the Fund itself. It is impossible to answer attacks if you do not know they are being made. Only by chance does the committee staff or those under attack by the Fund, learn of these attacks such as "The press and the Fund for the Republic" by Frank K. Kelly, which appeared in an issue of "Nieman Reports."

Kelly tells us in his article "In March of 1956, the directors of the Fund for the Republic asked me to help them make the Fund's pur-

## 40 VBZ - LINO

poses and program clearer to the American public." Frank K. Kelly is a vice president of the Fund for the Republic. The press release announcing his appointment as a vice president and the short identifying biography, which accompanied the article "The press and the Fund for the Republic", list his qualities—newspaperman, former administrative assistant to United States Senators, and a veteran of World War II. Kelly's job with the Fund was, according to him, the job of making the public understand what the Fund was doing. According to Kelly, the people did not understand what the Fund was doing, because,

some radio commentators and newspaper columnists were misrepresenting the Fund, and some leaders of the American Legion were castigating it. Some Members of Congress also had attacked it.

The Fund and its staff have a peculiar double standard which guides them. Guilt by association is unpardonable when one questions the motivations of an individual affiliated with a Communist-front organization. To charge that such association makes the individual sympathetic to the aims and objectives of the organization is unpardonable. Equally unpardonable is to make charges through anonymous associates. On this latter point, the Fund states as its position "How can we check the reliability of the informant or the information attributed to him unless we know his identity?" These rules do not apply when the Fund attacks through its rumor, hearsay, gossip and insinuations. We shall see later, in the blacklisting project under John Cogley and the case studies involving security, by Adam Yaromlinsky, these rules do not apply. Cogley even invoked the protection of the Constitution to escape from complying with the Fund's own ground rules.

Kelly, in his article, had the job of attacking those that questioned the propriety of the operation of the Fund. He charged that the press (we assume all the press that he did not comment upon favorably) had "failed to discover that Mr. Walter had a personal motive in launching the investigation." Thereafter, the personal motivation was described as two items. The first, a complete misrepresentation relating to the question of immigration which this report shall deal with under the subtitle, "Influence of Legislation." And the second point related solely to one member of the staff of the committee. What made this staff member, Karl Baarslag, so objectionable to the Fund? First, and the Fund will say this is not "guilt by association" he was "a former staff member of the Senate Investigating Subcommittee under Senator Joseph R. McCarthy." And second, he was on public record as objecting to certain operations of the Fund for the Republic.

Frank Kelly also devoted a great deal of his "The press and the Fund for the Republic" to an attack upon the magazine "Newsweek." Kelly attacked Newsweek by two methods: He attacked their truth by his misrepresentations. While there are many illustrations of this, one will serve the purpose. Newsweek in its article dealing with the award to Plymouth Meeting, reported that the award was made in support of Mary Knowles "who pleaded the fifth amendment rather than testify about prior Communist associations." Kelly wrote: Here are the facts.

The Library Committee of the Plymouth Monthly Meeting employed as librarian a Mrs. Mary Knowles, after checking her references and learning from Mrs. Knowles that she had pleaded the first amendment in a congressional hearing. \*\*\*

Mary Knowles pleaded the fifth amendment and Frank Kelly now admits that she did. "It was a typographical error," Kelly now says about the "first," as it appeared in his article. But how do the people who believe that Newsweek's facts were in error, know this was now a typographical error?

## 41 VBZ - LINO

Kelly, however, was not satisfied to attack Newsweek with misstatements. His coup was to quote an alleged Washington correspondent of Newsweek as his faceless, anonymous informer. Kelly wrote:

The Newsweek story, which appeared in the July 2 issue of the magazine, shocked and saddened me. I was in Washington when the magazine came out. I went to see one of the Washington correspondents and protested: "This is a terrible story. It has a lot of glaring errors in it. It's full of bias and distortions." He said [Faceless Informer]: "I think it's lousy myself."

The committee staff is unable to locate the "Newsweek" correspondent. We wonder if this is a typographical error as was the First Amendment reference, re Mary Knowles.

There is more to the Kelly article with which we will deal during the examination of John Cogley's, Fund financed, blacklisting project.

### BLACKLISTING

Political blacklisting was the title given to the project by John Cogley in his report to the president of the Fund for the Republic. In July 1956, public hearings were held by the committee. John Cogley, the director of the project, was the principal witness and the only witness from the Fund. Also heard by the committee were individuals possessed with knowledge of employment practices in the field covered by the report, namely, movies, radio, and television. These latter witnesses condemned Cogley's report as false, biased, or misleading. The hearings have been printed and are now available and for this reason the testimony will not be dealt with in any detail in this report.

The committee, concerned with our national security, has been interested in threats to this security through infiltration of various walks of life. It has examined the threats to our security through the infiltration and control by Communists, of the labor movement in local and international unions. This area brought it into contact with unions acting as bargaining agents for crafts represented in the entertainment industries—movies, radio, and later, television. The sensitive nature of radio and television, and on a lesser scale, movies, brought these industries within our scope irrespective of union affiliations. During these investigations hundreds of members of the Communist Party were identified.

Starting with 1951, the staff heard of "blacklisting" and we investigated to determine what it was and how it worked. We found that "blacklisting" was a phrase primarily used by the Communist Party to pressure for the continued employment of a fellow Communist or his reemployment if he had been fired. The committee's position on this subject was expressed often. The annual report of 1955 stated:

\* \* \* Major networks do have a policy of not hiring entertainers who have been identified under oath as Communist Party members, or who themselves have appeared under oath and refused to answer questions regarding party members.

\* \* \* Most networks which have used entertainers who are members of the Communist Party have done so because they are unable to establish such membership.

Investigation shows that, if an entertainer was not used by the networks, the reason lay in information which directly related to the entertainer's Communist Party membership or deliberate support of Communist causes.

On the other hand, the networks properly do not deny employment to an entertainer who might have innocently become involved with a Communist-engineered activity.

Even prior to the committee staff's investigation of the Fund, much information and evidence was presented relating to the Fund's inquiry into blacklisting. If the information supported the evidence, this project was built on bias. It was designed to reestablish employment opportunities for members of the Communist Party in the vital area of radio and television.

Concerned with the objectivity of this project, we requested permission to review the report or reports which related to the Fund's

## 42 VBZ - LINO

investigation of blacklisting. We were not concerned with the views of an author, as we were subsequently charged. The facts were our concern then and remain our only concern even until today. Our request was made of the Fund long before the two-volume book by the project director, John Cogley, was printed. Cogley and his reports to the Fund would have been subpoenaed long before they were, except for our belief in the representations made that the reports would be delivered. They were not delivered to the committee until they were printed as a two-volume book. In order to misrepresent the committee's inquiry the Fund asked:

Should a man be summoned before his elected representatives, to defend or explain a book he has written or divulge the confidential sources of his information.<sup>20</sup>

<sup>20</sup> Press release by John Cogley, June 28, 1956.

The committee's first request for the Fund's report relating to blacklisting was made during the end of April or the first of May 1956. The first request, made by a staff representative, was apparently ignored. On May 22, the staff renewed its request for the report through Fund Counsel Benthel M. Webster. Counsel Webster advised that, while he was authorized to deliver the report, additional time for submission was requested, this additional time being necessary because the report was being reviewed for accuracy, fairness, etc. To document these facts, we reproduced a letter signed by Counsel Webster, dated June 21, 1956:

At my meeting with you and Mr. Baarslag in your office on May 22, Mr. Baarslag spoke of the Cogley report on blacklisting in the entertainment industries, to which he had referred at our previous meeting. I responded that I was authorized to deliver the report, provided that it was made clear that publication had not yet been authorized; that the report was being reviewed for accuracy, fairness, etc.; and that premature release or publication in any form would be highly prejudicial to the author and the Fund and to industries, institutions, and persons concerned. I explained that it was expected that, subject to such inspection and revision, the report would be published, but that I would appeal to the committee, through the staff and the chairman, to agree fully to protect the report or to grant additional time for submission. After some discussion, you kindly agreed to withdraw the request for the report for 30 days.

At this point we call attention to a press release of the Fund, as issued on July 10, 1956. We call attention to this release here because we feel that Counsel Webster's statement "that publication had not yet been authorized" belies the claim that Cogley was hired to write a book on his findings. His status was that of a director or consultant of an inquiry into movies, radio, and television. His reports cannot attain a different status in order to protect them from a legitimate inquiry. Hutchins, however, did give these reports a different status in his release. His supreme court for this purpose was the Washington Post. Hutchins, expressing complete faith in the journalistic integrity of John Cogley, went on to state:

The Fund regards the subpoenaing of Mr. Cogley to justify his study before the House Un-American Activities Committee as an unprecedented invasion of freedom of thought and expression in the United States.

We believe the vital issues at stake are clearly cited in an editorial which appeared in the Washington Post today, July 10. We quote:

The Constitution expressly forbids Congress to make any law abridging the freedom of the press, and implicitly it forbids Congress to abridge freedom of the press by calling an author to account for what he has written. Freedom of the press would be very seriously abridged if writers stood in fear of being haled before a congressional committee whenever they expressed opinions on controversial issues. Statements in the report have been challenged by certain individuals; whatever the merit of these challenges, Congress is not the place to resolve them. Moreover, the Un-American Activities Committee has no business try-

## 43 VBZ - LINO

ing to make a writer reveal names which he has undertaken to keep in confidence. Freedom of the press would be seriously abridged if committees of Congress ignored the obligation of reporters to maintain the confidentiality of sources of information.

On May 22, 1956, the Fund "had not yet authorized the publication."

In less than 30 days, or by June 21, the report was authorized, submitted to the printer, edited, and printed.

Did the actions of the Fund constitute a delaying tactic in order to offer the Fund and Cogley the freedom-of-the-press excuse as a reason for withholding information which could establish the bias of the Fund's inquiry? The Fund may deny this, but the facts clearly show that they misled the committee through misstatements of facts. To reach publication before the committee insisted upon the report of investigation, the Fund even spent additional, tax-exempt money. This is confirmed by a document which relates to Supplementary Appropriation for Study of Blacklisting, dated August 30, 1956. Reflecting that the money charged to the project will reach \$141,090, the document, detailing some of the additional items of expenditure, reads:

The remainder (\$14,318) is accounted for by acceleration of the publication date and expenses incurred in connection with the House Un-American Activities Committee hearing on this report.

The Fund on this project purchased the services of at least two newspaper clipping bureaus to obtain clippings of news coverage of the committee's hearings. We have commented on this use of tax-exempt money previously. The above document also reflects that Edward Engberg was conducting an analysis of the testimony and of the press coverage or reactions to the study at a cost of \$2,000.

In spite of the above, Hutchins wrote the committee:

The Fund for the Republic regards the methods employed in dealing with this project of the Fund as grossly unfair.<sup>21</sup>

<sup>21</sup> Letter of July 13, 1956.

We have set forth only a few of the facts now in the committee's possession; let us look at a few additional ones. Remember that any omission of facts on the committee staff's part results from the refusal of the Fund or John Cogley to make them available. The Fund claims they do not have them; John Cogley says that he will not produce them, because he must defend the freedom of the press.

In each of the two-volume published reports on blacklisting there is reproduced a foreword in the name of the Fund for the Republic by Paul G. Hoffman, chairman. Built around the theme that neither the author nor Fund indicts or recommends, the foreword starts by expressing an alarmed citizenry over loyalty-security tests of people in private industries.

Most Americans are convinced that loyalty-security investigations of people working for the Government in sensitive positions or seeking key Federal jobs are necessary to protect the Government from the infiltration of persons who might try to destroy it. But when loyalty tests are applied by private groups to people in private industries—and people are barred from jobs because they are "controversial"—many citizens become alarmed.

This is set forth in the light of the Fund's published findings which grew out of the Stouffer project. It was written in light of the concealed resolution of the Fund adopted at a meeting of the board on February 16, 1956.

It shall be and is the policy of the Fund that no member of the Communist Party will be employed for any purpose; and

No former member of the Communist Party and no person who has pleaded the fifth amendment in relevant circumstances will be employed for any purpose or receive a grant-in-aid or be given a fellowship except with the approval of the board of directors.

## 44 VBZ - LINO

It set forth the arguments of the proponents and opponents of blacklisting and observes that—

The foreword also points out that the study was initiated in September 1954—when many Americans had become disturbed by the revelation of blacklisting practices in the radio, television, and motion-picture industries. The facts around which the arguments raged were largely unknown.

It also observed:

It was not even clear whether blacklisting system actually existed in the motion-picture, radio, and TV industries. If it existed, it was not known on what principles it worked, who controlled it, how accurate were the criteria it applied in screening Communists and pro-Communists out of the industries, what were the motives which might have contributed to its growth. Beyond the somewhat rough-and-ready disclosures of the various investigating committees, there was little useful data on the nature and extent of Communist influence in the industries; on the effect, if any, which it had exerted on the output; on the extent to which the Communists themselves had engaged in blacklisting practices; or on numerous other facts essential to formulating any answers for the issues of civil liberties here involved. The subject was being debated, in short, in a vacuum.

As far as the Fund for the Republic is concerned, blacklisting was one of the reasons for creating the Fund. It became a reason even before the Hollywood studios obtained their published blacklist; that is, the blacklist John Cogley found. The printed two-volume book to the contrary, John Cogley, in his report to the president of the Fund, stated:

The published blacklist in use in the Hollywood studios is a list of persons named as members of the Communist Party before the House Committee on Un-American Activities during the years 1947, 1951, 1952, and 1953. These names were made available to the industry in the annual reports issued by the committee for the years 1952 and 1953. A few names were added after the committee's brief Hollywood hearings in 1954 and 1955 \* \* \*

Needless to write, the above, together with the additional first 16 pages of the original report to Hutchins, were deleted from the printed volumes.

Contrary to the published two volumes, and Cogley's testimony, we learn that the blacklist consisted of only the names of Communists, those identified under oath as being members of the Communist Party. We know that, outside the "Hollywood 10," none were identified until 1951; therefore, blacklisting, as used by the fund, must have commenced after the committee's 1951 hearings.

On October 4, 1951, the Fund for the Republic was authorized by the Ford Foundation. The Hoffman-Hutchins docket to the trustee defines the proposed objective of the Fund in language which makes pinpointing difficult. The July 1952 docket, however, more closely arrives at the point in both a description of the disease and the prescription for its cure. Wrote Hoffman-Hutchins:

Since the threat to the individual who holds, or is accused of holding minority opinions—or in some field, to one who is merely controversial—is the loss of his job, the Fund could try to work out methods by which such persons might be supported for limited periods.

With the actual incorporation of the Fund in December 1952, the area became "censorship, boycotting, and blacklisting activities by private groups." This area, however, was like other areas of inquiry itemized in December, built on ignorance. The Directors in setting forth the areas of inquiry admitted that they needed "deeper insight into the many difficult concepts and problems." To obtain this insight



## 45 VBZ - LINO

they proposed a thorough study and investigation to obtain knowledge for their own information and as a background for further work. Considering that the existence of communism and Communist influence was a major factor in their plans they proposed to undertake research into the nature and extent of the menace.

As early as April 1953, the directors of the Fund expressed interest in infiltration of Communists into private industry including the entertainment industries. On June 30, 1954, 15 months later, the director who considered the subject as urgent in December 1952, finally got around to an authorization. The authorization was twin jointed in that the study of Communist infiltration was authorized as a part of the history of the Communist Party project, while "blacklisting" was referred to President Hutchins for a recommendation. In view of Hutchins' position on the subject of blacklisting,<sup>22</sup> it was not surprising when on September 14, 1954, he recommended the project, and the directors appropriated \$100,000 to carry it forward.

Without the basic knowledge of the extent of infiltration of the entertainment industry, the Fund felt it would be able to judge employment practices with respect to Communists. The Fund had conducted no research, yet Hutchins, September 14, 1954, recommendation to the directors stated:

It is an area in which there are many flagrant cases in which persons of undoubted competence have lost their positions because of charges, often unfounded, about their political opinions.

The opinions of members of the Communist conspiracy are again only political. The director proposed by Hutchins was "Bosley Crowther, a motion-picture editor of the New York Times." The statement of Hutchins supports Jack Gould's review of the two-volume report later published by John Cogley. Writing of the background of the study, Jack Gould wrote:

But Mr. Cogley's report is not without a number of faults. Primarily, the Fund for the Republic was at a disadvantage in sponsoring such a study. Its feelings on blacklisting were common knowledge before Mr. Cogley began his study.<sup>23</sup>

<sup>22</sup> New York Times, July 1, 1956.

The Fund claims it has no documents relating to Cogley's replacement of Bosley Crowthers. In conversations with the staff of the Committee on Un-American Activities, Fund Counsel Webster was unable to tell how Cogley was hired or the terms of his employment. But what was the reason Hutchins recommended the blacklisting study? Not to inform the Fund but rather, "an investigation now of blacklisting in the industries mentioned might lead to changes in policy on the part of employers and unions."<sup>24</sup>

<sup>23</sup> Recommendations for board section, September 14, 1954.

Test of political opinions was not only the approach of Hutchins but of the project director, Cogley. In the first six pages of his report to the Fund relating to radio and television, Cogley repeatedly tied blacklisting into political opinions. This opinion, like his opinions expressed in the deleted foreword of the movie section, could have again been the reason for the deletion. Illustrations from the deleted section are as follows:

\* \* \* Prior to 1950, hiring in the radio-TV industry was based largely on talent alone. In rare cases, politics did enter the picture—a few sponsors refused to employ certain well-known personalities because of their political reputations, \* \* \* or when he was avoiding controversy \* \* \*. They did this by prechecking the political associations of all questionable performers. \* \* \* His references to professional political consultants, or to some of the larger agencies assigning high-ranking executives to the job of political screening.<sup>24</sup>

In spite of the fact that the "political" interpretations of the Communist conspiracy, as held by Hutchins and Cogley, were hidden from view, several news sources read these interpolations through the

## 46 VBZ - LINO

entire two-volume report. When the Cincinnati Enquirer editorially found that the report was an attempt to "whitewash communism by depicting it as another political movement,"<sup>25</sup> it received a letter from the Fund. "Nowhere in the study is there a single statement which could possibly justify your description of the report as 'an attempt to whitewash communism by depicting it as another political movement'"<sup>26</sup> wrote Michael Harrington on the letterhead of the Fund.

<sup>25</sup> A report to the president of the Fund for the Republic.

<sup>26</sup> The Cincinnati Enquirer, July 1, 1956.

<sup>27</sup> The Cincinnati Enquirer, July 25, 1956.

Harrington, as we know, was Cogley's assistant. Later, Elmer Roper wrote the Enquirer setting forth excerpts from editorials favorable to the study. Whether these editorials would have been favorable if the Fund had made all the pertinent facts available, no one knows. It is questionable in light of what we found, which is reproduced hereafter. But irrespective of this can a tax-exempt foundation engage in activities of condemning those who disagree, while commending those agreeing with the Fund.

The Motion Picture Herald, a trade publication expressed its views editorially on the two-volume report in its issue of June 30, 1956. While the entire editorial should be considered for an understanding of its editor's views, we shall touch only on that portion which charges a bias on the part of Cogley. "Mr. Cogley's report, in many instances is 'neutral against' what the industry has done and is doing," said the editor of Motion Picture Herald. "His views were known when he was selected for the job for which he had no other noteworthy qualifications," the editor concluded on Cogley's background.

Hutchins in recommending the project stated there were "many flagrant cases" yet the printed two-volume report does not list them unless we are talking about identified members of the Communist Party. Jack Gould in his review which appeared in the July 1, 1956, Times found that:

the report takes recourse too much in undocumented and anonymous material; damaging allegations are made against specific persons without substantiating evidence. In at least two instances, Mr. Cogley's report did not ask those who were damned for their version of a specific incident.<sup>27</sup>

<sup>27</sup> New York Times, July 1, 1956.

A press conference was a part of the Fund show in releasing the two-volume report. Will Lissner covered this conference for the New York Times. In his story on June 25, 1956, he deals with the report contents and its factuality. Lissner wrote:

However, Mr. Cogley in a prepublication interview conceded that his report contained not only factual statements, but also judgments, interpretation, and conclusions. But he explained that he had tried to keep nonfactual material to a minimum.

How much nonfactual material was needed to make the printed two-volumes conform with views of Hutchins and Cogley. The AFL-CIO News of July 21, 1956, contains an article, Fund for Republic Survey Perplexing. While this article, like the Motion Picture Herald editorial should be reviewed in its entirety, we shall quote on the conclusion which relates to nonfactual material. Wrote Paul Patrick:

To representatives of a union adversely effected by the report, a Fund employee who helped draft the document has verbally acknowledged several important errors of fact on one page of volume No. 1 and has offered to correct them in an affidavit. This makes one wonder if there could be so many factual errors on just 1 page, how many errors are there in the rest of the 812-page report?

To obtain the objective facts the committee subpoenaed John Cogley. But the facts we received were those contained in the two-volume printed report. The facts were evidently in the possession of John Cogley's anonymous sources, the "faceless informers" of the Fund

## 47 VBZ - LINO

for the Republic. To permit us to investigate and determine the true extent of employment practices, we asked John Cogley to identify these individuals spread through his two volumes and identified only by their occupation. In two cases we were successful. In all others, Cogley responded, "It is always difficult for a reporter to name sources that he has promised should remain confidential." Cogley asked whether he would be required to name sources and members of the committee, feeling his status comparable to other newspaper reporters, excused him from naming sources. Congressman Jackson noted an exception to his position when he stated:

I think a distinction should be made as between a working member of a free American press respecting the source of his information and one who compiles a work, is paid for the compilation of that work, and the work is done for a foundation which is granted certain privileges by the Federal Government, from a tax standpoint.

The committee staff conducted additional investigations. After establishing by evidence that Cogley's status was not that of an independent journalist but was closely allied to a private investigator who investigates and reports to his employer, the committee issued a subpoena calling for him to produce certain documents called for in the subpoena. By letter dated May 3, 1957, Cogley acknowledged his subpoena and advised he would appear. However, in this letter released to the press, he declared his position. Wrote Cogley:

but I will answer no more questions about anything I have written and published. I will not supply you with the documents you demand. Cogley's position, he claimed, was based on the fact that he prepared this book as a free journalist living in a free country.

The committee after Cogley's refusal asked the Fund for the Republic for the documents. This was a project of the Fund itself. The interviewers hired by John Cogley were employees of the Fund for the Republic. This has been certified by the Fund in its withholding tax returns concerning employees of the Fund. Yet when the committee requested the interviews conducted by the Fund's employees, Counsel Webster responded:

"I emphasized again that the Fund does not have possession of any of the confidential material on which Mr. Cogley based his report."<sup>28</sup>

<sup>28</sup> Letter to committee, dated July 2, 1957.

Counsel Webster while stating that the Fund has no documents relating to the employment of Cogley, claimed that Cogley was employed as an "independent journalist." Cogley, in testimony before us, also testified he was hired as a journalist. Being a journalist was his reason for refusing to produce the document subpoenaed by the committee. Cogley has given the Government at least three descriptions of his employment by the Fund. One before the committee and one each with his filing of tax returns for 1954 and 1955. In 1954, he listed his position as a "Consultant to the Fund for the Republic." In 1955, as an "Editorial Consultant to the Fund for the Republic, Inc."

If in truth he were hired as a journalist, Cogley's contract reserved for him no right to publish his findings free from the wishes of the Fund. Not until May 1955 did the officers authorize John Cogley to write a book on the project findings. By November 1955, the officers of the Fund and John Cogley had signed a contract with Simon & Schuster to publish the book. By mid-November, by mutual agreement, the contract to publish was canceled. A report of the Fund states as the reason for cancellation a decision "not to release the report at that time."

In all of these negotiations, the board of directors were officially silent. Not until January 1956, did the directors consider handling the findings of Cogley's investigation of blacklisting. Its end product was a two-volume report entitled "Political Blacklisting." Both volumes were marked: "A Report to the President of the Fund for

## 48 VBZ - LINO

the Republic." The board minutes of January 6, 1956, reflects the following consideration of blacklisting:

There followed a discussion of possible methods of handling the report on blacklisting in the entertainment industry, *prepared under the direction of John Cogley*. It was agreed that the temporary information committee of the board would prepare recommendations on handling of this report, and that counsel would examine the report from the point of view of possible legal liability. The board will then receive copies of the report and the committee's recommendations.

On February 15, 1956, Roper's information committee recommendation to print the report, was approved by the board. Two points are clearly evident by this action. First, the officers permission to Cogley to write a book on the project findings, together with the contract signed with Simon & Schuster to publish, were without approval of the board of directors of the Fund. Secondly, it is clearly implied by the action taken by the board that the findings, including the method of release, if any, was the sole responsibility of the board. Had the board voted not to make public the project findings, Cogley would have had no legal redress against the Fund.

Even the manner of release and content was the board decision. Approved by the board was the Roper committee recommendations—

The report should be reduced in length, but not to such a degree as to omit significant detail or impair its usefulness as a serious, objective treatment of the problem. He [Roper] added that in process of revision careful consideration should be given to all statements bearing on the identity or reputation of persons referred to, the elimination of names not required for understanding, and of course, the accuracy of facts stated \* \* \*.

Even the fragmentary evidence reported above makes a lie of the claim of both the Fund and John Cogley relative to his employment as an "independent journalist."

Let us now return to John Cogley and his report to the president of the Fund and the edited version of the report, his two-volume book. Both reports revolve around the blacklist and the clearance men. Both are painted as evil by anonymous sources of information. We have related Cogley's findings of what constituted a blacklist in the movie industry, as set forth in the deleted section of that volume. In a deleted section of the radio, TV volume, the blacklist and the clearance men also are mentioned. Writing that, "indeed, it is impossible to speak of a blacklist," Cogley sets forth the sources checked to determine an entertainer's employability. To determine this Cogley states that all employing agencies used the same procedure:

A political check is made on prospective employees, usually by going over the Daily Worker, the reports of the House Un-American Activities Committee, the Tenney Committee, Red Channels, etc. The kind of evidence considered relevant is membership in various leftwing organizations (some listed by the Attorney General, some cited by Federal or State Un-American Activities Committee, some cited by private groups), the signing of petitions like the one for Willie McGee, and any other activities which the public might consider "pro-Communist."

While stating that blacklisting is still carried on in the industry and a considerable number of writers and performers are regarded as unemployable, Cogley concluded:

Only a few individuals have been blacklisted throughout the entire industry. Most have found it possible to get work at one agency or another, this or that network or packager though they are blacklisted elsewhere.

What a striking variance from the condition portrayed in the published version. But why the different portrayal of the blacklist?

## 49 VBZ - LINO

Could it be that the blacklist was the vehicle which permitted attack upon the clearance men or the procedure of denying employment to members of the Communist Party? In an unpublished section of volume 2, Cogley wrote:

Once blacklisting was institutionalized, a system of "rehabilitation" was developed. It was presided over by an informal "board of directors."

Was the Fund's complaint against the rehabilitation of Communists? The board of directors of the rehabilitators were identified as "men well known for their anticommunism, usually adherents of the political right." It would appear that the Fund's complaint centered around something entirely different from blacklisting. This must be so, because by examining both versions of Cogley's report we learn merely that blacklisting was the denial of employment to only a few individuals industrywide and this constituted institutionalized blacklisting. Clearance men became individuals known for their anticommunism and who were engaged in rehabilitating Communists.

What other changes were made in the published version to detract from the clearance men? The published version deleted from the description of James Francis O'Neil, director of American Legion publications, and who was characterized by the Fund as a clearance man:

He served with distinction in the Mexican border campaign in 1916-17 (as a member of the 1st New Hampshire Infantry), in World War I (as an infantryman commissioned in the field) and in World War II (in the Southwest Pacific as special assistant to John L. Sullivan, Assistant Secretary for Air). For a time he was one of the most highly respected cops in the United States. When O'Neil was chief of police in Manchester, N. H., the city won national attention for the high caliber of its law enforcement.

The other Legion official, tagged as a clearance man was Lee Pennington. Deleted from the description of Pennington were those items of background which proved false the characterization of him by the Fund. In the deleted portion we read:

Pennington's original appointment, as director of the Americanism commission (he stepped down to the assistant director post in September 1955) was an effort, in the opinion of many who follow Legion politics, to improve the Legion's always precarious public relations. His predecessor, a man named Karl Baarslag, had been widely criticized for being altogether too rigid and inflexible in establishing the tests of "Americanism." It is rumored, too, that many of the commission's supporters felt that Baarslag, like the stormy junior Senator from Wisconsin, was given to causing more stir than was really necessary. In any event, professional observers from other pressure groups in Washington—among them groups which take a dim view of many of the Legion's activities—credit Pennington with infinitely more restraint than his predecessor showed. \* \* \*

Pennington served in France during the First World War and was seriously wounded in the Argonne Forest. Before joining up, he had been graduated a mechanical engineering major from the University of Maryland. After the war he went back to the university, took a degree in accounting, and joined the FBI. He speaks of his military experience with a note of bitterness, like many of the fairly select group who were sent overseas during that war and paid a high price for what turned out to be a short-lived peace.

Running counter to the bitter streak, however, is a strong sentimental one.

Even Vincent Hartnett and Jack Wren, who received the majority of the Fund's adverse treatment as clearance men, had a side of their character deleted. In the deleted portions we find this description of Hartnett:

Since then he has become a key figure in the blacklist controversy and described himself as a "supervisor of produc-

## 50 VBZ - LINO

tions" at Lord's. But people who worked there at the time remember him as an assistant director. Among other duties, Hartnett was in charge of getting permission to use names and stories on "Gangbusters" from various police departments.

Some of Hartnett's fellow workers recall him as an intensely serious, rather humorless, highly industrious worker. In the gregarious and normally extrovert atmosphere of show business he was widely regarded as somewhat strait-laced and puritanical.

He spent long hours at his desk. One person remembers an occasion when he became quite indignant because a vulgar remark was made in a lady's presence. Hartnett still gives the impression of being utterly serious and nervously intent on doing the work he has cut out for himself.

The treatment of Jack Wren was similar except the deleted item related more directly to the subject of inquiry. This reference, which related to the first president of the Fund, Clifford Case, reads:

Wren gets credit for a number of Herculean feats of what has been called "consent engineering." It may be supposed that rumor in many cases has outstripped fact. Yet Wren did, presumably with B. B. D. & O. approval, if not assignment, maneuver New Jersey Senator Clifford Case's public relations in 1954 election when Case's campaign was threatened by charges that his sister had once been associated with Communist causes.

Truthful facts were deleted when the Fund portrayed the clearance-men in roles cast by the Fund. False items were used in the printed version to build a sinister reputation for them. Many of the items, alleged to be factual, were proven false during the committee's hearings. Hereafter we shall expose as false additional Fund alleged facts, which were used by them to attack the character of those whom the Fund chose to call "clearance-men." To do this, we must again review Cogley's position before the committee. We must also try to determine the reason behind his position. Was it to protect his confidential sources, or was it to protect his misrepresentations of the facts, or was it a combination of both?

We shall first examine the truthfulness of his claim before the committee that the only reason individuals were identified by their occupation rather than name, was because of confidential assurances which he or Fund employees gave, not to divulge their identity. First, let us merely compare the report to Hutchins with the published two volumes. In volume 1, page 131, we find a reference to a letter written by "Z. Z." In the report "Z. Z." is fully identified as Burt Lancaster. In volume 1, page 134, we find a reference to "one Hollywood star." In the report, the star is identified as Danny Kaye. In volume 1, page 144, we find a reference to "B., a prominent character actor." In the report, "B." is identified as Whit Besell. In volume 1, page 152, we find a reference to "an executive in the Kramer Co." In the report, the executive is identified as George Glass.

Also in volume 1, page 146, is a reference to "X. Y., a prominent dramatist and scriptwriter." Not only does the published volume conceal the name, but by the addition of the word "typical" changed the entire meaning from that contained in the report. As published, the paragraph reads on page 146:

A typical if especially difficult case was that of X. Y., a prominent dramatist and scriptwriter. The studio was one of the largest, the "expert", Roy M. Brewer.

This same paragraph in the original report to Hutchins reads:

One of the most difficult cases was that of the prominent radio-motion picture writer Norman Corwin. The studio was MGM, the "expert" was Roy M. Brewer.

In volume 2, page 43, we find a reference to a "witness." In the report the witness is identified as Welbourn Kelley. In volume 2, page 170, we find a reference to "J. H." In the report, "J. H." is



## 51 VBZ - LINO

identified as Judy Holliday. Also, in volume 2, page 118, we find a reference to "an actor." This actor, according to the published volume, had been solicited by Jack Wren "for a letter attesting that he had helped the performer exonerate himself." The report identifies the actor as Luther Adler. We shall show that not only is the accusation that Wren solicited a letter from Adler false but that the Fund had no evidence upon which to make the charge, excepting hearsay.

Not only did the published volume withhold identifies, it withheld facts which reflected directly on the extent of Communist activity in the industry as it related to an individual or the Communist Party influence itself. In volume 2, page 145, reference is made to Allan E. Sloane's testimony before the committee in January 1954. We do not intend to argue about the Fund's interpretation of Sloane's testimony—"that the actual Communists in the industry, though dedicated and active, were few at all times"—we desire only to print here a portion deleted from the published volume in order to document the propaganda nature of the published reports:

Sloane himself was in contact with the leaders of the Communist faction and his testimony indicates no great numerical strength. It does, however, give the picture of an extreme dedicated and active group of Communists at work in the talent unions.

Further information on party activity can be gained from various articles which have appeared in the Daily Worker. These, of course, were never very specific as to names, but they do show that the party tried to create a wide periphery for itself and was concerned with building up an effective Communist bloc in radio. Anti-Communists in the industry got the same impression.

In dealing with those individuals whom the Fund cried were victims of the blacklist, they pointed to the background of the individuals as a method of condemning their inability to obtain employment. In doing this, the Fund presented only a portion of the facts. They omitted those facts which would possibly justify the individuals' non-employment in the entertainment industry. Typical is the case of Roderick B. Holmgren. In devoting a page to this former radio commentator, the published volume permitted him to tell how he was fired in September, 1947 because he had "followed a CIO line." This firing could not have been on the basis of an anti-labor policy of his station because, at the time he was fired, Holmgren was sponsored by the A. F. of L. The Fund left his real background and reason for his being fired hidden from the public it was supposed to educate. The published version did not report that Holmgren had been a witness before the Senate Internal Security Subcommittee on October 9, 1952. It further did not report that Holmgren invoked the fifth amendment in refusing to answer questions relating to his Communist Party membership, or that his Communist Party card was reproduced in the printed transcript which was made public by the subcommittee.

Cogley's claim that he cannot divulge source because of confidential assurance which he and the Fund employees gave those interviewed is a lie, provable as such, by Cogley himself. Advertising Agency Magazine conducted an investigation of the Fund's two-volume report on blacklisting. The results of its investigation were printed in two articles which appear in its issues of November 23 and December 7, 1956. Many illustrations of misstatements, errors, or deliberate misrepresentations were uncovered by the editor of AAM and were set forth in the articles. On December 17, 1956, John Cogley wrote the editor of AAM. The letter followed several conversations and constituted a transmittal of documents which Cogley felt would support his position on some point in conflict. What did Cogley transmit with this letter of December 17? Nothing less than documents which identified additional anonymous individuals from his printed volumes on blacklisting. These were some of same individuals, whom he under oath, before the committee in July 1956, testified that he could not identify because he had given them confidential assurances. Also transmitted were documents which the Committee on Un-American Activities subpoenaed in April 1957. These documents were subpoenaed only after the committee staff learned

## 52 VBZ - LINO

that Cogley had supplied documents to AAM. In addition, when it learned that Cogley had offered to the editor: "This is all I have for now. But there is more material, boxes and boxes of it, which can be made available."<sup>20</sup>

<sup>20</sup> Letter to Robert D. Stuart, December 17, 1956

To further examine Cogley's claim that he had given assurances, let us examine two documents turned over to the editor of AAM. In the course of the Fund's investigation of blacklisting, Cogley obtained a document from Philip Horton, senior editor of the magazine The Reporter. The document obtained by Cogley from Horton we shall call, as does Horton, the Fairfield notes. These were raw notes and, as Horton advised Cogley in a letter of December 27, 1956, "I do recall stressing the fact we had never undertaken to check back the accuracy of the memorandums either with Fairfield himself or with other sources." Horton complained to Cogley on several occasions about both, using the notes without verifying the accuracy of their contents and showing them to those outside the Fund. After first assuring Horton he had shown the document to no one outside the Fund, Cogley finally wrote Horton on December 17, 1956, after having shown the document to the editor of AAM. Wrote Cogley with respect to assurance not to divulge:

You will recall that although I assured you I had not shown the material to anyone, I made no promise at that time that I would not. I have no desire to show it to anyone but when my reticence is used against me as it was in the AA story I am given no choice. The same goes for other material in my possession. \* \* \*

Compare this with Cogley's sworn testimony that he had given his sources assurances that they would remain anonymous:

Cogley used the Fairfield notes in his published two volumes without even checking with Fairfield, their author. The notes were used to first establish Fred Woltman, a reporter for the New York World Telegram and Sun, as a leading clearance man. They were used secondly to report false happenings involving Jack Wren. The published report, after describing Wren as one of the top clearance men, set forth how he had "blown his top" because consideration was being given to Albert Einstein endorsing Lucky Strike cigarettes. Even though Einstein was a pipe, and not a cigarette smoker, the Fairfield notes contained this statement regarding Wren:

\* \* \* after B. B. D. & O. had been asked to submit a list of 20 "unusual names" they would like to see endorsing Lucky Strikes, Wren had blown his top upon finding such names as Robert Oppenheimer, Alfred [Albert] Einstein, etc. \* \* \*

Cogley also furnished the editor of AAM with Fund employee Engberg's interview with Jack Wren, and Fund employee Davis' interview with Luther Adler. These documents, together with the Adler letters to Wren, have been obtained by subpoena. The background for Cogley's submission of these interviews was as follows. In the published volumes, Cogley utilized the perjured testimony of Harvey Matusow to establish the existence of a blacklist. Volume 2 reports that Matusow testified that "he helped Wren set up a similar list (blacklist)." It further reported that Wren, to overcome the Matusow charges, "got together with a batch of letters certifying his fairness in judging blacklist cases." For example, claimed the published report, "he solicited an actor, a Red Channels listee, for a letter attesting that he had helped the performer exonerate himself."

Advertising Agency magazine, in the course of its investigation, identified the actor as Luther Adler, a task which would have been unnecessary if Adler's name had not been deleted by the Fund. Its editor interviewed Adler, who denied furnishing Wren a letter as described in the published report.

Therefore, Cogley, who refused to make these documents available to the committee, furnished them to the editor of AAM. In sub-

## 53 VBZ - LINO

mitting the interviews, Cogley observed in connection with the Wren interview, "You will note, he admitted asking Adler to write the letter and actually showed it to Engberg. This is the letter he denies he ever requested."

In connection with the interview with Adler, Cogley wrote:

You will note that Adler speaks of writing the letter and reaffirms that Wren asked for it. According to your story, Adler now denies that he was ever asked to write it.

The Engberg memorandum reports first on statements made about Wren by Arnold Forster, identified with the Anti-Defamation League. Forster advised Engberg:

Wren obviously had been in some trouble with his own agency as a result of H. Matusow's testimony in New York's Federal court back on February 15, [1955]. In the course of testifying on a motion for retrial of 13 convicted second-string Communist leaders, Matusow had said that early in 1952 he had helped Wren set up a blacklist of radio and TV personalities, and characterized Wren as B. B. D. & O.'s man in charge of security and clearance. Forster guessed all this from a call he had gotten from Luther Adler, the actor, whom Forster had helped clear and had through Wren placed on the United States Steel Theatre Guild of the Air. Adler, understandably nervous, wanted to know from Forster what was up. Forster suggested that what Wren wanted was some sort of testimonial that he, Wren, could use to protect himself against the inevitable charge that he was blacklisting people indiscriminately. Adler, according to Forster, then called Wren and was asked for a letter thanking Wren for having cleared him \* \* \*

Engberg, armed with the advice of Forster that Adler had called Wren and was then asked by Wren for a letter, then interviewed Wren. Engberg reported that Wren had one letter from Adler. Without even requesting permission to read the letter, he further reported:

Sure enough, he produced Adler's letter thanking him for having helped his clearance, and just as inevitably. I asked him whether he had solicited the letter. He allowed as how he had, but that that didn't make any difference, because he should have gotten the letter anyway, and actors were sometimes ungrateful people.

Harriet Davis interviewed Luther Adler and this is what she reported, based on the interview:

He said that Wren had "helped" him and asked him recently "did I help?" and Adler replied in the affirmative. At this point, as I recall after publication of the Matusow book, Wren himself needed help. Wren asked Adler to help him, "if you feel like helping me" and Adler did. He wrote a letter indicating that Wren was of assistance to him, and so forth. (Ed [Engberg] has detailed information about this.)<sup>30</sup>

<sup>30</sup> Interviewed notes, May 20, 1955.

Sometime after the memorandum of interview was typed, there was added to the first sentence the words "in writing." Harriet Davies did not see the copy of a letter to Wren, even though her memorandum reproduces the text of many letters. The circumstances under which Matusow made his charges are now even in variance.

This, however, was the basis for the big case which the Fund and Cogley built around Matusow and Wren. The evidence is of course the letter itself, but the Fund employees were not interested in the best evidence.

The letter itself, which was the only letter received by Wren after February 15, 1955, speaks for the accuracy of the Fund's report louder than any additional comments by the committee. The letter dated February 24, 1955, reads:

LUTHER ADLER, 850 SEVENTH AVENUE,  
New York City, February 24, 1955.

Mr. JACK WREN,  
Batten, Barton, Durstine & Osburn, Inc.,  
383 Madison Ave., New York.

DEAR JACK: More than a year has passed since I came to you and I quite frankly told you, I didn't know exactly why I seemed to be locked out of my profession. At that time, you very kindly reviewed my case and when you found and showed me certain allegations which I assured you were utterly false, you generously assisted me in disproving those allegations. You may remember, I did this with substantial documentary irrefutable evidence which I later forwarded to the proper authorities in Washington.

Immediately thereafter, doors seemed to open and as a result of our interest and cooperation I secured several important engagements: Studio 1, Theatre Guild, the opening show on General Electric and one or two others.

However, Jack, for the last 5 months I again seem to be locked out of TV. My agent and others tell me that there seems to be some pressure exerted against me—not as much as before, but some, which is keeping me out. I wouldn't bother you at this time if it weren't for (1) I seem to have no alternative, (2) I again have no way of tracing the source from which this ban is coming, and (3) I don't feel that artistically or professionally I can possibly represent a burden to you. Since I cannot afford modesty at the moment—I must tell you that I not only received excellent press notices for all my work but I also received two letters from the president of the American Broadcasting Co. complimenting me for my work and welcoming me on the network.

And so, Jack, since you were a good friend to me before when others did not extend themselves so freely, be a good friend again, please. You must know how grateful I am and shall always be.

Sincerely yours,

/s/ LUTHER

Cogley also furnished to the editor of AAM a document which he described as "a running account of the Sidney Lumet case." This encompasses mainly copies of documents obtained from the Block Drug Co., which sponsored the television show, *Danger*, of which Sidney Lumet was the director. In order to understand the documents, it is necessary to return to the published report.

On page 63 of published volume II, in a section dealing with clearance at Columbia Broadcasting System, there is dealt with the case of "a director." The director is Sidney Lumet, according to the documents Cogley furnished the editor of AAM. Cogley has by now identified another individual whom he testified before the committee he couldn't. The facts as reported on page 63 relating to Sidney Lumet read:

In one case, a director was signed for a show and actually used. Subsequently, there were protests from Lawrence Johnson in Syracuse. Johnson had been told by Harvey Matusow that the director was a Communist. Matusow claimed he had seen him at party meetings. Meetings were arranged between the sponsor, some prominent "anti-Communist," including Sokolsky and Victor Riesel of the Hearst papers, Matusow, and the director in question. As soon as he met the director face to face, Matusow admitted he had named the wrong man. Nevertheless, it was impossible to obtain a clear-cut retraction from those who published the charge.

A show became "tough" after a number of mistakes were made and protests mounted. Political screening was more careful then, and those who could work on other shows for the same network could not be used. "*Danger*" fell into this category, so did "*Justice*." In the case of "*Danger*" a threat from the Veterans Action Committee of Syracuse had been enough to convince everyone that special precautions were necessary.

Sidney Lumet was the almost permanent director of the show "*Danger*." The protest made against "*Danger*" was based on the number of Communist Party members cast in its productions. With respect to the "political" screening by the Block Drug Co. after "a threat from the Veterans Action Committee of Syracuse \* \* \*," let's look at page 47 of volume 2. Written in a chapter Cogley created to stress his impartiality, "*Danger*" is again discussed. Writes Cogley:

\* \* \* there are shows where the employment record indicates a constant use of people associated with the left wing. In 1950-51, "*Danger*" used performers like Lee Grant, Mor-

## 55 VBZ - LINO

ris Carnovsky, Alan Manson, Lou Polan, John Randolph, Elliot Sullivan and others who have been accused of being antagonistic to the right wing \* \* \*

"Leftwing" and "antagonistic to the rightwing" must be intended to mean Communist Party members. As the printed, sworn record reflects, Carnovsky, Manson, Polan, Randolph and Sullivan were all identified Communists, a fact known to Cogley. All had appeared before the committee and refused to answer questions relative to their Communist Party membership. This was also known to Cogley even though he chose the phrase "antagonistic to the rightwing." Lee Grant refused to answer questions relating to her affiliations with the Communist Party after the release of the published volume.

Lawrence Johnson's protest was based on the facts found by Cogley "a constant use of people associated with the left wing." Johnson, however, called them by their true name; namely, Communist Party members. Johnson's complaint against Lumet was, because as director he was casting known Communists. The Matusow item also varies from Cogley's report. Matusow did not tell Johnson Lumet was a Communist. What Matusow did tell Johnson, as reflected by the Block Drug Co. records which were made available to a Fund employee, was "a photograph in Life magazine of Mr. Lumet resembled an individual who I knew to be a member of the Communist Party." This was the reason for the confrontation. Yet on the

\* Matusow letter addressed to Block Drug Co., November 21, 1952.

point, the published report erroneously places George Sokolsky in attendance.

In conducting its investigation, the Block Drug Co. incurred expenses. Their file reflects the nature of these expenses. The largest expenditure was to reimburse an individual who was brought into the case by Arnold Forster, the announced public relations expert of Cogley's published report. In connection with the expenses paid to this individual, the Block Drug records indicated without verification that he had in turn made monetary advances to other individuals. Without making a single inquiry, Cogley made anonymous references to the alleged transaction as a footnote item in volume 1. The committee has investigated this alleged money transaction. All individuals, including officers of the Block Drug Co., from whom all records were subpoenaed, were interrogated. No individual received any money except the individual introduced into the case by Arnold Forster.

Wrote Cogley in the footnote on page-130, volume 1:

When, not long ago, another newspaperman in the East accepted a generous check from a radio-television sponsor as a "token of appreciation" for helping out in a "clearance" case, Sokolsky was deeply disappointed. He told the sponsor in no uncertain terms that he thought his colleague was out of line in accepting such a "token." His disappointment must have been compounded when he learned that the colleague claimed he broke down the four-figure "token" into smaller "tokens" and sent them around to other "clearance" men, in order to create good will for the company.

Not only was the false information used in the published report, but, again, without any attempt to verify, the information was pointed up in the transmittal to the editor of AAM. "I have withheld it up until now," wrote Cogley, "because I did not want to involve the people named in it in a sensational affair." This noble gesture was concluded with the reasoning "but I have now reached the point where such consideration no longer moves me. What was Cogley's reason for bringing to the attention of the editor of AAM the alleged money transaction? It served two purposes. One was to indict Karl Baarslag as a clearance man, and, second, to establish a motive for the committee's hearing into blacklisting. In this connection Cogley wrote:

Karl Baarslag, now staff member of the House Committee on Un-American Activities, was at the time a director of the Americanism commission of the American Legion. Mr. Baarslag did the investigating preceding the Fund hearings last summer.

## 56 VBZ - LINO

The editor of Advertising Agency magazine sought verification of the representations made by Cogley. His inquiry of the Block Drug Co. was answered by letter dated January 10, 1957:

Our file was opened to Mr. Cogley's representative in complete confidence for the purpose of background understanding only, not for actual use. For good and sufficient reasons, we asked for and received a pledge that what was learned from it would be kept inviolate. Those reasons still obtain.

I do not understand why Mr. Cogley permitted you to see this material in contravention to his pledge to us.

A copy of this letter was sent to Cogley on the same date. Wrote the Block Drug Co.:

The attached letters speak for themselves.

I want to say further that we are deeply disturbed by the apparent violation of the understanding that we had as to the confidential nature of the material that we showed you.

It took Cogley until January 31, 1957, to respond to the letter of January 10. Was he sorry for breaking his agreement with the Block Drug Co.? He was not. Taking a stand similar to his position with Mr. Horton, he denied the agreement. Wrote Cogley:

It is ironic now to find that I have become the villain of the piece, and that for breaking a supposed promise I never actually made.

The evidence set forth above proves beyond doubt that John Cogley in appearing before the committee in July 1956 gave deceitful testimony. While we do not contend that his representations about protection of confidential sources constituted perjury, as defined by law, it was nevertheless untruthful. We find that the Fund with respect to the status of Cogley and the interviewers has deceived the committee. Cogley's willingness to be cited for contempt of Congress over his refusal to produce the documents subpoenaed in 1957 was a necessary choice on his part. He could not afford to have the falsities of his published volumes exposed.

Typical of the exposures which an examination of the records of interview would make possible is found in the case of "a leading actress" reported on page 173. The actress, identified in the published volume on "Radio-Television" merely as "Miss H.," was confirmed by Cogley during his 1956 appearance before the committee as Uta Hagen. Uta Hagen subsequently appeared before the committee in a staff consultation. During her sworn testimony, she was asked about an interview by a representative of the Fund for the Republic. Admitting the interview, she was asked whether this quoted information was accurate:

In November 1954, Miss H. was involved in plans to star on a TV dramatic show. A short time before rehearsals got underway, the producer called and asked her to withdraw voluntarily. His office, the producer explained, had taken some chances on "risky people," and now thought it best to "mark time" for a while. He assured Miss H. he would use her as soon as things let up. She agreed to withdraw, but there were no more calls from this producer.

Under oath, Miss Hagen denied that the events as reported by Cogley had ever happened.

Cogley and the Fund for the Republic chose to cover their dishonesty from the people and the Congress by hiding it under a blanket marked "Freedom of the Press." Until now they have been successful: so successful, in fact, that they used tax-exempt money to reproduce a booklet which the Fund titled "Editorial Comments on John Cogley's Report on Blacklisting." This booklet contains editorial reproductions from newspapers throughout the United States. Typical of the Fund, the booklet did not include some unfavorable editorials. Just how many the word "some" encompasses, this committee does not know. But the Fund does because its clipping service returns would have included them. One such editorial is known to the committee staff, namely the editorial which appeared in the Cincinnati Enquirer and about which this report has already commented. While excluding the editorial, the Fund booklet did include from the Cincinnati Enquirer of July 31, 1956, an article by syndicated columnist William H. Hessler which supported Cogley's claim for freedom of the press immunity.



## 57 VBZ - LINO

Fund Vice President Frank K. Kelly, in his Nieman Reports article, *The Press and the Fund for the Republic*, also supported Cogley's press immunity claim. He attacked the *World Telegram and Sun* for its position of stating that Cogley was entitled to no such claim. Kelly, in his position of a Fund vice president, knew the facts. He therefore knew that Cogley was not hired as a newspaperman. He knew that Cogley denied giving assurances, as we reported above. He further knew that identities were not withheld to protect sources. Yet he wrote that "The effort made by Woltman and the *World Telegram* to make Hutchins compel Cogley to abandon the journalistic tradition of protecting a source of information was astonishing to me and to other newspapermen with whom I talked." "They," according to Kelly, "could not recall any similar attempt in American history."

Kelly also analyzed the testimony of Arnold Forster and made the observation that "Forster later testified that the quotations attributed to him were accurate." This was again a misrepresentation of the facts. The committee staff will not attempt to interpret Arnold Forster's testimony, but will quote him directly as he was quoted. Forster was asked by *Advertising Agency* magazine: "Did the quotations which were attributed to you properly present what you had to put across?" The December 7, 1956, issue of the magazine quotes Forster's reply: "No! They were totally incomplete." According to the magazine, Forster went on to say:

If I were asked to prepare a statement on the subject [blacklisting], it would not be what was attributed to me in the Report.

It is little wonder that J. Edgar Hoover, Director of the Federal Bureau of Investigation, would comment on a "Let's Look at Congress" interview with Congressman Kenneth B. Keating on July 22, 1956:

Of course, there is a great deal of so-called criticism about what is termed the "faceless informers." I would just like to call attention, Congressman Keating, to the fact that some of the critics of that program, such as the *Ford Fund for the Republic*, recently issued a publication dealing with the blacklisting of performers in the entertainment world, and when the writer of that report was called before a congressional committee last week, and asked the identity of some of the sources of his information, he indignantly refused to disclose them.

Mr. Roper did not, however, in the September issue of the Fund's *Bulletin* declare that Mr. Hoover had, like Congressman Walter, "engaged in a deliberate scheme to discredit the Fund and its objectives in the eyes of the American people."

This project of the Fund is additional proof of how Fund money has been used to destroy individuals and institutions who have exercised any initiative in fighting against international communism.

### LOYALTY-SECURITY

The director of the Federal Bureau of Investigation wrote recently:

\* \* \* Certain organizations obviously dedicate their efforts to thwart the very concepts of security. They vehemently oppose methods to gain this security and it is obvious that their aim is to destroy it. They protest that they are fighting for freedom, but in reality they seek license. They hypocritically bar Communists from their membership, but they seem to hate all persons who abhor Communists and communism. They claim to be anti-Communists but they launch attacks against congressional legislation designed to curb communism. They distort and misrepresent and ridicule the Government's security program. They lobby and exert pressure on the leaders of Government both in the legislative and executive branches.

Some such organizations are supported by tax-exempt funds. Others are infiltrated by a hard core of propagand-

## 58 VBZ - LINO

ists, small but articulate, whose real aims do not represent those of the hundreds of otherwise well-meaning Americans who have supported such organizations. \* \* \*

<sup>22</sup> The Deadly Menace of Pseudo-Liberals, American Mercury, January 1958.

It should be made clear that Mr. Hoover did not specifically name any organization in this category. However, committee investigators believe, as a result of their study, that much of what he writes is applicable to the Fund for the Republic. The campaign of opposition by the Fund, or persons appointed to its staff, to loyalty security programs has been, as found by Mr. Hoover, namely, to distort and misrepresent and ridicule the Government's security programs. The Fund has accomplished this through grants and its own projects such as that directed by Adam Yarmolinsky.

Interest in the subject of investigations of the loyalty of Government employees was only secondary to the areas of interest as set forth by the directors in their February 24, 1953, letter to the trustees of the Ford Foundation. The Fund's interest became intensified through its director, John Lord O'Brian, who had opposed even the concept of a loyalty-security program years before the Fund was even created. As early as January 1948, he spoke against the Truman loyalty program. The New York Times account of the speech before the New York City and State Bar Associations stated:

Attorney General Tom Clark and former Assistant Attorney General O'Brian yesterday expressed strongly conflicting views of President Truman's loyalty program.

Mr. O'Brian's objection to this program was historical rather than political. It was based mainly on a legal position related to guilt by association. His position was based on a knowledge of the danger faced, especially the revelation of the Canadian Commission on Soviet Espionage.

Writing in opposition to the Truman loyalty program in June 1948, he related:

In fairness, it must be admitted that in our present perils we cannot be guided wholly by historical precedents. That our country has within its borders hostile agents, cannot well be doubted. One of the most startling and, in a sense, appalling historical documents of our times is the Canadian white book, relating the activities of Soviet agents in the Dominion of Canada and summarizing the evidence, including the confessions of participants. It is difficult to read that revelation without a sense of bewilderment at the unconscionable lack of ordinary standards of honesty and morality. Similarly, no one can read it without being convinced that there must have been, and may still be, similar hostile activities being carried on in the United States.<sup>23</sup>

<sup>23</sup> Loyalty Test and Guilt By Association, Bulletin of Atomic Scientists, June 1948.

On April 27 and 28, 1955, Mr. O'Brian made two speeches in opposition to the loyalty-security program, together with certain legislation such as the Internal Security Act of 1950. His lectures contained many charges against the administration of the programs. Some of his charges were justified, but many were based merely on rumor, hearsay, and gossip about how the program was actually functioning. This lecture was reproduced in a book, National Security and Individual Freedom, and was distributed by the Fund for the Republic to Harvard Law School Association members.

Robert Hutchins, appearing on Meet the Press on November 20, 1955, quoted John Lord O'Brian as stating that the "issues of loyalty and security have been seized upon by unscrupulous politicians and used as a political weapon." This also has been the position of Hutchins. It has also been the position of Board Chairman Hoffman, Security Consultant Willis, and the majority of Fund participants. Adam Yarmolinsky, selected to study the loyalty-security program, was no exception. Yarmolinsky spoke of the citizens' demand for a loyalty-security program as one which was "fed by unscrupulous and ambitious men, who did not hesitate to rewrite history or to revise

## 59 VBZ - LINO

arithmetic." Yarmolinsky modified this statement at time of delivery. As originally prepared, "was fed" read that the people's demands "reached the proportions of an hysterical demand fed by unscrupulous, etc.. \* \* \*"

In this same speech, Yarmolinsky referred to certain security cases by lifting minor charges out of context from either the statement of charges or the hearing transcript. Misrepresentation for the purpose of ridiculing was, as we shall show, the motivation behind the printing of selected loyalty cases. Yarmolinsky in his speech also accused the Navy with prescribing what was considered by it as orthodox conduct on the part of Navy personnel. Robert Hutchins, in his Berea College speech, described the Navy action as "no wonder that some Government departments have set up guidance clinics in which their employees are taught how not to look like security risks." The basis of his charge was advice which appeared in civilian-personnel instructions and which advised them "to study and seek wise and mature counsel prior to association with persons or organizations of any political or civic nature." This advice was given, according to the Navy instructions, because "the simple principles of good citizenship require that all enthusiasm for well-sounding functions be tempered with the wisdom of full knowledge of the real forces and aims behind them, so that well-meaning citizens will not be unwittingly led into aiding and promoting forces which are contrary to their own basic beliefs."

Loyalty security was considered by Clifford Case during his presidency of the Fund. Case, through the then consultant on security matters, was considering the creation of a citizens commission to review the entire program. Prominent figures from public and private life were in the process of being invited to serve on such a commission when Case resigned to seek political office. The consultant, Joseph Volpe, who was well experienced in the field of loyalty security, remained. He remained, that is, until Robert Hutchins succeeded Case. Thereafter, the objective approach to the subject was abandoned. Volpe advised a representative of the committee that he resigned as a consultant because of the attitude of Hutchins on these matters. He explained Hutchins' attitude as being against impartial inquiry and being based on the theory that we know the programs are wrong, so let's just prove it.

Hutchins' position was similar to O'Brian's, according to the minutes of the board of the Fund, dated June 30, 1954. At this meeting, Mr. O'Brian expressed deep concern about the long-range problems of loss of individual rights through the acts of administrative tribunals and, particularly, the disregard of due process in applying administrative procedures to loyalty questions. He stated that many individual cases in which legal justice was denied did not attract attention; that the public was accepting the situation; and that there is nothing more dangerous than acquiescence in these practices. Twenty-five thousand dollars was appropriated for a commission on security.

Between June and September, Walter Millis, who had formerly been on the editorial staff of the New York Herald Tribune, was appointed as a consultant on security as a replacement for Volpe. Difficulty was experienced in obtaining members for a security commission. By November 1954, Millis interested Mr. Klots, president of the bar of the city of New York in attempting to obtain representation from other geographic areas to serve on a commission.

On November 18, 1954, the directors of the Fund raised the total appropriation to \$125,000 by appropriating an additional \$100,000. At a directors' meeting of February 17, 1955, the total appropriation was raised to \$175,000. For the first time, the minutes reflect that the Fund has commissioned a study of loyalty-security cases. What was intended by the study was not reflected by the minutes; it remains hidden through the refusal of the Fund to make their records available. The minutes did earmark \$35,000 of the additional appropriation to the case-study project which was under the direction of Adam Yarmolinsky. The minutes suggest that the original appropriation of \$25,000 was also diverted to the Yarmolinski project.

Also hidden from the public were the circumstances surrounding the appointment of Yarmolinsky, together with the date he was actually commissioned. But, irrespective of the date, the study was sufficiently completed by May 19, 1955, for the directors to discuss

publication. The minutes of May 19, 1955, reflect that Director O'Brian stressed the importance of prompt publication of selected cases from collections of security cases prepared under direction of Adam Yarmolinsky. Mr. O'Brian pointed out that this was the Fund's own project, authorized prior to the formation of the association of the bar of the city of New York special committee on the Federal loyalty-security program. Thereafter, the directors appropriated an additional \$25,000 for the reproduction and distribution of reports on those security cases collected by Yarmolinsky.

In August 1955, the selected cases were printed and released to the public. The cover leaves the impression that it was the Bureau of National Affairs, Inc., under whom Adam Yarmolinsky directed the project. The Fund for the Republic, Inc., is credited with merely making the study possible. It is not identified as Fund Director O'Brian identified it, as "the Fund's own project."

Yarmolinsky acknowledges that the cases are biased, and that he is presenting mainly the employee's position, the completeness of the employee's position being dependent on the integrity of the employee's attorney. In all the cases, only the employee's attorney was interviewed. It is known that among the employee-attorneys interviewed there were identified members of the Communist Party; many of whom had been witnesses before Congressional committees investigating their role as legal strategists of the party. This affiliation of "employee-attorney" must have been known to Yarmolinsky because the introduction to his case studies related:

We have tried to eliminate possible bias by employing carefully selected lawyer-interviewers, (whose names are listed following this introduction)

Irrespective of the impartiality of the lawyer interviewers, they could not report items which were withheld from them by the employee-attorney. Also, as the committee investigation indicates, either the Fund, or the employee-attorneys, or both, were not interested in making available those loyalty-security cases where a potential threat to the security of the United States was involved. Those cases selected for publication, as well as the near 360 cases obtained by the Fund, related to employees who were suspended from their employment and later cleared, or those employees denied final clearance who had at one time been cleared on the basis of similar charges.

The committee staff, being denied access to the records of the Fund, found it necessary to seek the objective facts relating to this Fund project from secondary sources. At this date, all the facts are not available to the committee staff and, therefore, this report is restricted to the available facts.

To determine the extent to which the "lawyer-interviewer" engaged by the Fund contributed to this project, we wrote each individual identified in the study's printed report. All but 13 of those listed responded to the committee staff's inquiry. Of those responding, 20 individuals denied that they did any work for the Fund on this project or received any compensation; 86 represented that they had done work on a total of 224 cases; 2 refused to tell the committee the extent of their participation, 1 questioning the jurisdiction of the committee to make such an inquiry. Therefore, the 15 lawyer-interviewers, who either ignored the committee's request or who refused to comply with it, handled 126 cases.

Yarmolinsky, before he was hired by the Fund, had objected to the all-inclusive scope of the Federal loyalty-security program. His views before the study was that there should be a relationship between the position then held, and opportunity available to the employee to use his position to injure the national security. As an attorney representing employees involved in loyalty security, he also abhorred the indirect consequences of such programs, such as:

Casting into shadow whole areas of activity and association and thereby imposing increasing restrictions on freedom of thought and expression in the United States.

The case studies printed in August 1955, are a reflection of the views of Adam Yarmolinsky toward the loyalty-security program. The cases as reported may or may not be those on which he worked as

## 61 VBZ - LINO

an attorney prior to his employment by the Fund. While prepared by Fund-employed "lawyer-interviewers" they represent much of that told the lawyer-interviewer by the employees' attorney. By deceit some employee-attorneys withheld documents in order to misrepresent the loyalty-security program. Where this occurred it could have been done without the knowledge of either Yarmolinsky or the Fund-employed lawyer-interviewer. But in some cases, facts set forth in the case study indicate that it was evident that a document had been withheld. These cases should have been further investigated but were not. Instead they were chosen for reproduction because they played a role in the plan to discredit.

Case No. 10, reported on page 9, is a case in point. In the last paragraph of comment under the heading of "Employee's Response," it is reported:

That neither in this hearing, nor in the two subsequent hearings described hereafter, was the transcript available for examination and these accounts are based on counsel's notes and recollections.

The first paragraph on page 11 of the case study would indicate that the employee received a copy of the first hearing before the Civil Service Loyalty Board, since there is a reference to the employees "clarifying and adding to some statements made by him at the hearing and making minor corrections to the transcript of the proceedings." The paragraph beginning at the bottom of page 12 of the case study indicates that a copy of the second Civil Service Loyalty Board hearing was furnished to either the employee or his counsel. The committee's investigation discloses that the employee was furnished a transcript of the hearing at the Marine Corps Headquarters and that, under the date of April 4, 1954, the employee's counsel submitted suggested amendments and corrections to several items in the transcript.

With the transcript the case study would have reflected not that there was "no degree of sensitivity to the employee's job" but could have quoted from the testimony of the Head of the Training Section, Marine Corps Headquarters that after security questions were raised, the employee had not been assigned sensitive duties.

Case 10, is an employee who was found on the basis of evidence to have been a member of the Communist Party in 1948-49. It also found that he had falsified his application for Government employment, and his testimony before the Loyalty Board, in denying membership in the Communist Party. The committee intends to inquire of both the Departments of Navy and Justice as to the extent of perjury investigation and action in this case.

The employee was reinstated by direction of the Secretary of the Navy on September 2, 1954, and after being reimbursed for loss of pay and allowances reassigned on the following day, September 3.

But returning to case 10, as reported, a review of the transcript of hearings, the lawyer-interviewer of the Fund could have learned both the content and relevancy of those questions of politics and sex which the study suggested, were questions which went far afield.

Case No. 16 reported on page 14 of the published studies, misrepresents as does case No. 10. This case involved an employee of the Government Printing Office. The report states that his work did not involve access to any classified material. The committee investigation found that the employee's job did involve work of a security nature and after receipt of investigative reports concerning him, he was transferred, pending final determination, to the Library of Congress branch which, within the Government Printing Office, handles no security work.

Two out of the first three cases which the committee staff was able to identify and investigate produced misrepresentations relative to the security nature of a case-study employee. And at this point we desire to point out a sincere problem faced by the Government in this program: Should the Government of the United States be required to have within its employment, employees whose talents cannot be utilized throughout the entire Government? In case No. 16, should a proof-reader within the Government Printing Office be one who can be utilized on all projects or should it be required to have 2.1 for proof-reading security documents and 1 for proofreading those not involving security? Should the Government be required to keep in its employ-

## 62 VBZ - LINO

ment in a nonsensitive position, a security risk who cannot be trained for utilization in positions where security clearances are required? This staff memorandum rejects the argument that the Government should be so handicapped. The United States has as much right to insist upon undivided loyalty from its civil servants as does the Communist Party of its coconspirators. Loyalty to the United States is not compatible with loyalty to totalitarianism, either Communist or Fascist.

Case No. 16 under the heading "Charges" devoted considerable attention in a derogatory manner to a hearing given the employee "without the presence of counsel." No effort was made on the part of the Fund to determine the function of the body which accorded the employee the hearing. This administrative action seems sound and appears designed to prevent miscarriages of justice. The group before whom the employee appeared was a reevaluation committee, composed of three officials of the Government Printing Office, two of whom were members of the District of Columbia Bar Association. Their function was to review all cases under section 4 of the Executive Order 10450 and to make recommendations to the Public Printer through the security officer. The hearing, according to case No. 16, was an administrative procedure to establish whether the facts in the case were sufficient to be handled by a security hearing board. Many employees of the GPO have not been the subject of charges due to the operation of this reevaluation committee established by the Public Printer.

The employee-attorney for case 16, is reported as having been advised that the Government Printing Office did not use the Attorney General's list of subversive organizations. This is false and the Fund made no effort to determine the facts.

Under the heading "Employee's Response," the reply to charges are as reconstructed by the employee-attorney. However, they could have been quoted so as to give a more accurate statement. But the employee-attorney did not make the transcript of hearing available. The Fund interviewer based his description of what transpired at the hearings solely on the employer-attorney recollections. Wrote the Fund interviewer: "The transcript was unavailable to the interviewer." It could have been unavailable because the Government refused to supply a copy to the employee, but this was not the fact. The committee investigation disclosed that a transcript was mailed the employee on March 19, 1954. With the transcript the Fund interviewer would not have reported:

The chairman indicated to the employee's counsel that he was not interested in four character witnesses offered on the employee's behalf, since the written record and the employee's testimony were before him and were enough for him. But despite this reaction, counsel proceeded to call the witness and also made a concluding argument, although the chairman was reluctant to let him do so.

That the above is clearly a misrepresentation of the facts can be clearly demonstrated from the transcript which the Fund did not bother to obtain.

CHAIRMAN. We will take a recess. I have 1 or 2 other questions. I would like to ask [defendant]; but since [Board member] has a business appointment, we will take a recess now until 1:30 and we will come back here at that time and continue the hearing.

ATTORNEY. May I ask a procedural question? As I told you, one of our witnesses is coming during the lunch hour. She requested that she be heard by 1:15, but I gather that would be too early.

CHAIRMAN. Have you gained any impression, Mr. [Attorney] that you can finish your questioning of [defendant] so that they can be on that time?

ATTORNEY. I was going to suggest putting them on before I proceed with my questioning.

CHAIRMAN. After I complete the one or two other questions that I have, we will take them right after. Will that be all right?

ATTORNEY. Yes.

CHAIRMAN. You still think it is necessary to put other witnesses on?

ATTORNEY. Well, I would like to say that I certainly feel that in justice to [defendant] we ought to make the strongest possible case.

CHAIRMAN. Are they character witnesses?

ATTORNEY. They are people who have known him well, sir. One is his minister. Two people from the Government Printing Office—

CHAIRMAN. Were their affidavits submitted?



## 63 VBZ - LINO

ATTORNEY. Yes, but there are questions in detail that I want to ask them. They have had affidavits submitted, but I want to give you an opportunity to cross-examine the people who have ridden in his car pool, his minister who knows him well, and people who have worked with him at the Government Printing Office.

CHAIRMAN. Well, are they only corroborating these affidavits?

ATTORNEY. They will introduce additional information, sir.

CHAIRMAN. All right, but I think perhaps you ought to—well, you can decide that. We will recess then until 1:30.

Another misstatement caused by the employee-attorney misrepresentation or faulty memory related to permission for the employee-attorney to review the reevaluation committee transcript. The chairman of the hearing board had the complete file which included the refusal of the security officer to make available the transcript as outside his authority. The chairman did not express surprise that the officer had not let the attorney delve into the case file. The employee-attorney was given the opportunity to examine the transcript by the board at a recess.

Case No. 20, which is reported on page 28 of the published studies, as presented reflects discredit on the loyalty-security program. The proceedings and the hearings as reported in the published study are based upon the statements made to the Fund lawyer-interviewer by the employee-attorney. This case differs from the previously reported cases insofar as a transcript of the hearing is concerned because in this instant case a transcript was not available to the employee-attorney, but even in this instance, the published report contained a misstatement which, if believed, could serve to damage the loyalty-security program. On page 31, the Fund reports:

When the matter was successfully concluded, the counsel sought a copy of the transcript of the hearing. His request was refused "because it might violate security."

It is true, as reported, that the counsel sought a transcript of the hearing. It is false that he was advised that the transcript would not be furnished "because it might violate security". As a matter of fact, the employee-attorney received no advice with respect to the availability of the transcript. The reason one was not furnished to the employee was because when the employee reported for duty, after his reinstatement, he stated to the security officer that he did not care to have a copy of the transcript.

The Fund's published report under the heading "Proceedings Under Executive Order 10450" charges that the employee was ordered at 1 o'clock in the morning to report to the security officer. The report continues: "After waiting for more than an hour, the employee was interviewed by the security officer and questioned at length about the charge previously set forth in the interrogatories under Executive Order 9835."

The employee, as the report acknowledges, was employed on a shift from midnight to 8 a. m. He was notified at 1 a. m. that he would be required to appear before a security officer, but his appearance before the security officer and the hour at which he was interrogated do not conform with the Fund version as can be verified in the transcript of the proceedings. During the course of the hearing given to this employee, the chairman of the board invited the security officer to interrogate the employee and the transcript reflects the following question and answer:

SECURITY OFFICER. Another fact that I want to bring out—This 1 a. m. that they notified you to come to this reevaluation hearing, or to come see me in the morning—I think the board knows now that you were working at that hour so they didn't get you out of bed to notify you at 1 a. m. in the morning.

EMPLOYEE. That is correct. May I state more specifically. My supervisor paged me on the floor and asked me to come to the office and when I came to the office, well, he showed me this note and from there I followed instructions.

The Fund's recitation under the heading "Hearing", state that the security officer was the Government's only witness. This is a misstatement of fact in that the security officer was never a witness. As reported above, the security officer did, at the invitation of the board chairman, interrogate the employee. Equally false is the claim that the employee-attorney cross-examined the security officer. This paragraph, as related in the Fund's published report of case studies, reads as follows:

## 64 VBZ - LINO

The security officer was the Government's only witness. He was cross-examined by counsel for the employee and stated that one thing against the employee was that the employee engaged in "leftwing" talk. When asked what this "leftwing" talk was, the security officer stated that the employee had used the word "second-class citizen." Counsel brought out from the employee that he had stated to the security officer that the employee "would rather be a second-class citizen in Mississippi than a first-class citizen in Russia."

The only recitation in the transcript which can possibly be related to the paragraph as reported by the Fund proves the maliciousness of the attempt made to discredit the program. The transcript reads:

SECURITY OFFICER. You speak of this second-class citizenship quite often. Will you explain to the board what you consider a second-class citizenship? I didn't know there was any such thing in the country.

EMPLOYEE. I would tell you why I came to that conclusion. Here's my own terminology. It is because that in certain sections of the country certain people are denied certain opportunities that other people enjoy. That is why I say second-class citizenship. I did that for a point of interest and a point of stress to repeat what I said in the October 9 meeting and to repeat a statement that I made earlier, that under the Democratic ideal and ideas, a second-class citizenship are persons who are limited because of their race and their creed, enjoy a greater opportunity in the United States and more freedom than they do in any other government.

EMPLOYEE-ATTORNEY. I want to ask you one other thing. You use the term "second-class citizenship." Is that an unusual term?

EMPLOYEE. That is my own term. I wouldn't consider it unusual.

The Fund's published report states also under the heading "Hearing" the employee denied ever having subscribed to or received the Daily Worker. And the Fund alleges that the Daily Worker was brought into the hearing in order to establish the employee's apparent preoccupation with labor unions. Again relating to alleged testimony by the security officer, the report as printed by the Fund reads:

The security officer also testified to the employee's apparent preoccupation with labor unions and stated that the employee must have taken the Daily Worker in order to know what course of conduct or line to follow as a member and officer of his union. Counsel reported that one of the three board members hearing the matter was from an agency dealing with labor matters and that the member indicated surprise at the statement of the security officer.

The security officer did not testify and therefore could not have testified as to the employee's apparent preoccupation with labor unions. The following is lifted from the transcript of the security board hearing and is the only thing that could be found pertaining to this matter:

ATTORNEY. Do you regard the Daily Worker now, or at any time, an authority on trade union movements?

EMPLOYEE. No.

SECURITY OFFICER. How do you know, if you have never read it?

EMPLOYEE. The authorities—the reason I said "No" is because the research material mentioned nothing about a Daily Worker.

With respect to the statements reported by the Fund that the employee denied ever having subscribed to or received a Worker, this is also false as the transcript of the hearing reflects:

BOARD MEMBER. I think for the record we might get this straight. How long were you living at this address during this year that the Daily Worker came to you personally?

EMPLOYEE. I would say approximately January 1947 until I left in the summer session, perhaps in July or August. I don't remember exactly.

BOARD MEMBER. Do you know if the Daily Worker continued after July?

EMPLOYEE. No. If it actually came, I never saw it.

BOARD MEMBER. But it did come while you were at this address for the 7 months, I guess it is?

EMPLOYEE. Yes.

In case 51, which is reported starting on page 60 of the Fund's published case studies of personnel security, misinterpretation of the departmental regulations is also used to discredit the entire program. Described merely as a civil service employee who had been employed for 7 years, the committee's investigation determined the employee referred to was an employee of the Post Office Department.

The report states that the agency security officer might, at his discretion, suspend an employee, pending the outcome of the case. As a matter of fact, there is no such provision. The security officer can recommend such suspension, but the responsibility is lodged by these regulations in the Assistant Postmaster General or other bureau head having jurisdiction.

## 65 VBZ - LINO

The report, as published by the Fund, attempts to show a disregard by the Government of the physical well-being of employees who are involved in the loyalty-security program. It directs attention to the fact that the employee requested a 2 months' continuance because of illness, followed by hospitalization and an operation, and that the board only granted a 2 weeks' continuance. As a matter of fact, the information in the files of the Department reveals that an inquiry was made of the Veterans' Administration hospital, where the employee was admitted as a patient suffering from chronic laryngitis on May 12, 1954, and that the patient was discharged on May 19, 1954, "able to resume prehospital employment." When these facts were revealed, the employee-attorney agreed to be ready for a hearing sooner.

The case study refers to the questioning of the employee as to his reasons for leaving the Communist Party, but there was no statement of the fact that the employee had admitted there were efforts by the Communists to have him serve on a picket line, distribute literature, or buy books. Also, no comment is made in the published report on the fact that, when questioned about attendance at Communist meetings, the employee did admit that all persons in attendance at the Communist meetings held Communist Party cards, as did the employee himself. Moreover, the printed case study does not show that the questioning elicited from the employee an admission that he had attended several meetings prior to his actual membership, a fact which has some bearing on the employee's explanation that he thought he was joining a social organization when he joined the Communist Party. The published study further discloses that the employee was requested to define such words as "proletariat," and "dialectical materialism." As a matter of fact, he was not asked for such definitions. What he was asked was whether these terms had any significance or meaning to him in light of questioning as to whether he had read the writings of Marx, Lenin, and Stalin.

Case 58 as reported, starting on page 85 of the published studies, that the employee "had no access to secret Government documents." The employee was an \$8,000 per year educational administrator in a United States trust territory. The inference that merely because the employee was an educational administrator, no secret Government documents passed over his desk, makes ridiculous the Fund's inference that this employee should not be considered as a threat to the security of the United States. His mere presence in an important United States trust territory properly brought him under security regulations.

The committee staff has not attempted in cases previously discussed, nor does it intend in future cases, to deal with confidential Government information not made available to the Fund for the Republic attorney-interviewer. Case 58 points strongly to the damage such one-sided presentation of the loyalty-security program can cause to the program itself. Documentary evidence in possession of the Government shows conclusively that the employee identified as case 58 repeatedly lied in answers to questions relating to those individuals identified in the published case study as "A" and "B". No reasonable person reviewing all of the evidence available could have possibly voted to retain this employee in Federal service irrespective of the fact that he had once been cleared under Executive Order 9835. But the Government's treatment of its civil servants and the Fund's attempt to expose this as harsh and inhumane is attempted by recitation of accounts not directly involved in the security hearing itself. The published case study reports that the employee returned to the United States "and obtained a counsel at the end of April 1954. It continues "Employee's family did not rejoin him until November 1954." By this language the report leaves the implication that the Government was responsible for the long separation between the employee and his family. This implication is unjustified inasmuch as it was the employee's decision that his family remain in the trust territory of the Pacific Ocean since he felt he would return upon clearance.

The published report also leaves an inference that the expense of transportation of the employee from his duty station outside the United States to Washington was borne by him. Actually, the de-

## 66 VBZ - LINO

partment paid for the return, not only of the employee, but of his entire family, at a cost of \$2,224.38.

The published case study in dealing with case No. 112, starting on page 153, starts off: "The employees in this case were husband and wife who were employed in a Federal 'housekeeping' agency." Considerable time was devoted to locating these cases within the General Services Administration, the only agency popularly known for its "housekeeping" activities. The employees, however, were discovered to be not employees of GSA but of the Government Printing Office.

The employees were served with statements of charges by the Government Printing Office and both resigned their positions. The litigation dealt with by the Fund for the Republic deals more with an effort to have the Government reject the resignations rather than a recitation which deals with security considerations. In view of the fact that this case did not go to a hearing board and there were no procedures which would permit a different handling by the Government Printing Office, only the Fund for the Republic can explain why it was dealt with in such great detail as a security matter.

Case No. 136, reported on page 158, involves an employee charged with being a member of the Communist Party. To discredit the loyalty-security program, the report is quite extensive and quotes considerably from the transcript. Much of what is quoted is the material of cross-examination and is quoted obviously for the purpose of showing unfavorable aspects to the employee. As a matter of fact, the transcript contains cross-examination which was favorable to the employee. And, of course, the case study definitely omitted this material.

In reporting on case No. 190, which appears on page 189 of the published studies, the Fund report states that the employee did not have a copy of the transcript of the 1948 hearing. The report does not reveal whether or not a copy had been furnished the employee in 1948 or that under procedures then in force she could have obtained a copy at the time of the earlier hearing had she so desired.

The Fund-financed study is also misleading in that it states that the attorney for the Government Department announced at the hearing that the Department had no live witnesses "and that the Department's information is in the form of a report by the FBI from which I will paraphrase extracts." As a matter of fact, the full quotation is as follows as reflected by the transcript of the testimony. It will be noted from this quote that the Government was paraphrasing the FBI report in order to make the knowledge contained therein available to the employee and her counsel and that this knowledge was not necessary for the board:

The Department has no live witness. Our information is in the form of a report of the FBI from which I will paraphrase extracts, since the Board already knows, in order that the employee and her counsel will know.

The study further indicates an intent to cause the reader to infer that the chairman of the Security Board in one instance tried to indicate that he could not comment on the reliability of the FBI informant, but the context of the whole thing indicated that the Board was talking about the identity and the reliability of the informant.

A review of the transcript of the hearing compared with the study as printed by the Fund for the Republic reflects an instant in this case where material was taken out of context to raise the implication of bias concerning color.

The study also indicates that "the hearing was ready to end on the same day; it was, nevertheless, continued until the next day." The report fails, however, to indicate that the purpose of the continuance was to permit witnesses brought by the employee to testify.

The Fund's method of concealing the identities of the employees involved in the case studies reproduced has made it extremely difficult for the committee staff to identify these employees. This report is unable to compare the cases reported, with the facts as reflected by the complete file excluding the security information. In addition to those cases reported in detail, the committee staff has also found slight discrepancies in other reported cases such as cases Nos. 60, 64, 81, 82, 107, 146, 175, and 224. While we have described the discrepancies in these cases as minor, they are not such when considered in light

## 67 VBZ - LINO

that they tend to discredit the loyalty-security program. An illustration of the character of these discrepancies found by the committee in the listed cases is the case No. 107. This case involves a clerk in the Post Office Department. The charge was Communist association. The employee was suspended and service later terminated.

The case study states (p. 145) that the employee's attorney stated that no Attorney General's list of designated organizations existed in 1948, a date of importance in one of the charges. As a matter of fact, the organization referred to was on the list as released by the Attorney General to the Loyalty Review Board on December 4, 1947. The report further states (p. 149) that the employee answered every question put to him by the board or his counsel in detail. A close reading of the transcript discloses, however, that the employee's counsel, on 13 occasions, objected and prevented the employee from answering questions directed to him by the chairman of the hearing board.

This report in the discussion of the case studies obtained under the direction of Adam Yarmolinsky and financed by the Fund for the Republic has restricted its discussion to only the case studies printed and distributed by the Fund for the Republic. They represent about one-seventh of the complete cases obtained by the Fund during this project. The committee has reviewed the case studies obtained from sources other than the Fund for the Republic, which denied the cases to the committee staff, and finds that the treatment of the loyalty-security program is similar in the Fund published cases. The published as well as the unpublished case studies were turned over by the Fund for the Republic to the special committee on the Federal loyalty-security program of the Association of the Bar of the city of New York. This special committee, financed by the Fund for the Republic at a cost in excess of a hundred thousand dollars, issued its report on the loyalty-security program in the form of a book published by Dodd, Mead & Co. in 1956. While the tax-exempt funds financed this study, the American people, to learn the findings of the special committee of the Association of the Bar of the City of New York, were required to pay \$5 per copy.

A reading of the report of the special committee of the New York Bar points strongly to the fact that the case studies with which this report has dealt in some detail, formed the basis for the special committee's recommendations. While it is true that the book of the special committee lists the names of several dozen conferees, the committee's inquiry discloses that many of the individuals listed contributed nothing to the study itself. In listing the conferees, the inference is intended that these people contributed factually to the study and its resultant findings. However, the committee staff found that several individuals listed as conferees were contacted and, in response to the contact, advised the special committee that they were willing to appear whenever the special committee desired to hear from them. However, after promising the special committee full cooperation, nothing further was heard from them and no testimony was taken.

On page 53 of the "Federal Loyalty-Security Program," the published report of the special committee, we find that the case studies in personnel security collected under Yarmolinsky were assumed to be exactly what Yarmolinsky claims them to be:

These histories are collected, with the consent of the employees involved, from the files of the lawyers who advised or represented them. The reports are of necessity incomplete, because the Government file, which was not released to the employee, was also not available to our interviewers.

The special committee also accepted the Yarmolinsky case studies as being factual evidence:

That many of the cases of injustices which have arisen under the programs were due to inadequate screening of derogatory information. As a result, many charges were made by screening officers which later proved to be groundless, causing unnecessary damage to the life and reputation of the person charged and unnecessary suspensions contrary to the interests of the Government."

<sup>a</sup> New York Times, July 14, 1957, letter to the editor by Dudley B. Bonsal.

The special committee acknowledged that it had received hundreds of other case studies from the fund-financed project. They used these

## 68 VBZ - LINO

case studies without any apparent attempt to verify the facts represented therein. An investigation by the special committee would have found the studies largely biased and unfactual. Even in the absence of the hearing transcript or the information contained in the Government file, some cases were unfactual on their face. Merely a reading of certain cases would have shown that the studies' inference that the Government would not, or did not, make a transcript of hearings available to the employee was false.

The Commission on Government Security was established by Public Law 304, 84th Congress. Its purpose under the law was to review the Government's internal security as it related to its employees. Its authority, and scope were much broader than the interest assumed by the special committee on the Federal loyalty-security program of the Association of the Bar of the City of New York. The knowledge possessed by certain members of the Commission on Government Security was sought by the special committee. This fact is acknowledged by a review of the list of conferees.

When the printing of the report of the special committee was made available to the public at the cost of \$5, the Commission on Government Security observed a conflict in views. The evidence being obtained and analyzed by the Commission on Government Security pointed to a need for the continuation of the loyalty-security programs such as the international employees loyalty program and the port security program. On the other hand, the evidence considered by the Fund for the Republic's financed committee on loyalty-security apparently justified the recommendation for discontinuance of these programs. The evidence considered by the special committee apparently supported a recommendation for the abolishment of loyalty-security programs as involved non-sensitive positions in the Government, while at the same time the Commission's evidence justified continuance.

To fulfill its obligations under the law of basing its findings and recommendations upon the consideration of all available facts, the cooperation of the special committee was sought. On August 27, 1956, a member of the staff of the Commission on Government Security called upon Elliott B. Cheatham, staff director of the special committee. Cheatham, professor of the Law School at Columbia University, was requested to make available to the Commission on Government Security any documentation which supported generally the special committee's recommendations. In refusing the documentation, Cheatham suggested that the request be further negotiated by Mr. Wright, Chairman of the Commission, and Mr. Bonsal, chairman of the special committee.

The staff member of the Commission reported that on the basis of his conversations with Mr. Cheatham of the special committee, that committee had nothing of any value in the way of documentation, relating to either the international organizations loyalty program or port security. It was his impression that both recommendations to abolish were made solely because the areas involved non-Government personnel.

Mr. Wright wrote Mr. Bonsal, and on September 13, 1956, received a negative reply, which reads as follows as it relates to the programs mentioned above:

As to material pertaining to the port security and international organizations programs, apart from the published material which you have, the only material in the files would be suggestions and comments from the many people whom we interviewed in preparation of our report. As I mentioned to you when you were good enough to meet with our committee in New York, all these interviews have been on an off-the-record basis and our committee has felt that it would not be appropriate for us to release any notes which we or the staff may have made with regard to them.

The report of the special committee on the Federal loyalty-security program has much to say about confidential informants. While it approves their use, it does so under conditions which guarantee their reliability. The protection of the identity of confidential Government information, including informants, is one of the reasons advanced by the special committee for restricting the Federal loyalty-security program to those employees holding sensitive positions. From an examination of the bias possessed by some of the special



## 69 VBZ - LINO

committee's conferees, the special committee exempted itself from the condition of establishment of reliability of its informants. By denying its documents to an official agency of the United States Government, one charged with the responsibility under the law, the faceless informer remains faceless, and the reliability of his information remains questionable.

Even after denying to the Commission on Government Security the documents under which its recommendations were based (international employees and port security), the special committee's chairman publicly objected to the recommendations of the Commission in these areas. Wrote Mr. Bonsal to the New York Times on July 8, 1957:

The Commission did not attempt so to limit the programs. On the contrary, it would extend them not only to the legislative and judicial branches of the Government, but to the civil air transport as well. The Commission suggests that a civil air transport program would be a protection against sabotage. As we stated in our own report "in our closely integrated society the danger of possible sabotage exists at literally tens of thousands of places and from almost the whole population. \* \* \*

"If the Nation embarks on personnel security clearance of employees to prevent sabotage in one section of industry, the logic of the policy would call for its extension widely through industry and business. \* \* \* This logic would thus lead to peacetime personnel security clearance for almost all citizens.

"The danger to liberty from such a course should cause us to set ourselves resolutely against it. Rather, the Nation should rely, as it has in the past, on other measures. \* \* \* These measures include, counterespionage and adequate physical protection of all installations."

In addition to the appropriations to investigate the loyalty-security program and to investigate passport procedures, the Fund for the Republic has appropriated additional funds to the New York Bar Association. On September 7, 1955, the Fund forwarded to Mr. Allen T. Klotz, Association of the Bar of the City of New York, Inc., \$15,000. This money was appropriated by the Fund to provide for the reimbursement of costs, including attorneys' fees, of respondents in security cases, primarily in private industry. On February 23, 1955, the Fund granted the association \$5,000. Fifty percent of this was earmarked to aid Puerto Ricans being tried on sedition cases.

The appropriation of funds to support individuals who were subject to loyalty-security charges or indictments related to sedition have not been limited by appropriations to the New York bar. That appropriations similar to these are clearly not within the intent of Congress as related to tax-exempt educational institutions there can be no doubt. But in addition to the above grants, the Fund on August 11, 1955, appropriated \$10,000 to the Toledo Bar Association. This money was designated by the Fund to be used for furnishing assistance in unpopular causes and cases, and to support legal referral work on security cases. The Volunteer Defenders Committee, Inc., Boston, Mass., was appropriated \$40,000 by the Fund. This money was appropriated to permit the VDC to hire a public-relations counselor, to prepare a booklet explaining the VDC and in addition to work on cases involving sedition.

The largest grant by the Fund with the resultant end effect of encouraging and rewarding an individual for refusing to give testimony against others, is the appropriation of \$150,000 to the American Friends Service Committee. This appropriation was in addition to \$176,500 appropriated to the AFSC for studies relating to schools, desegregation and Indians. As this memorandum set forth earlier, the committee staff is making no investigations into these areas and these appropriations shall not be dealt with in this report.

With respect to the \$150,000, which appropriation falls within the interest of the committee, the Three-Year Report of the Fund describes it merely as a grant "for the support of the right of conscience program of the American Friends Service Committee for the purpose of fair trial and adequate counsel." This language as quoted from the Three-Year Report can be intended only to deceive by leaving the impression of a relationship to religious beliefs. The Fund for the Republic knew the exact purpose for which the money was to be spent. An example of this taken directly from the proposal made to the Fund by the AFSC shows clearly that the money was appropriated not for the purpose as described in the Three-Year Report, but was for purposes not covered by such a description.

## 70 VBZ - LINO

It is anticipated that the area of greatest need currently and in the immediate future lies in support of individual conscience against growing requirements of loyalty oaths and the heavy pressures, legal and otherwise, to inform on the activities and beliefs of one's friends. The right of the individual to refuse, on grounds of conscience, such demands of the state, is not clearly established in the law and practice of our Government. Many have suffered loss of employment, position, and respect because they obeyed conscience rather than the state. We believe that legal aid and support to such persons can strengthen freedom of conscience.

The above quote is lifted from the proposal of the AFSC submitted to the Fund on February 14, 1955. This program is clearly outside the nature of the activities in which the Congress intended tax-exempt organizations to engage. The committee staff suggests that the description for the program as set forth in the 3-year study was worded as it was to conceal the facts from Internal Revenue. We are of the opinion that the Fund refuses to make its files available to the committee because it desires to conceal the details of assistance which AFSC has rendered.

On May 26, 1955, the Fund wrote Lewis K. Hoskins, executive secretary of the AFSC:

I am pleased to tell you that the board of directors of the Fund for the Republic has authorized a grant of \$150,000 to the American Friends Service Committee for a 2-year program designated to strengthen the rights of freedom of conscience as outlined in the proposal submitted to us under date of February 14, 1955. Our check for this amount is enclosed.

We understand that this grant will be allocated approximately as follows: \$100,000 for legal fees and court costs, \$20,000 for assistance in cases of economic hardship, and \$30,000 for administrative costs.

It is interesting to compare the proposals as set forth in AFSC's document of February 14, 1955, and the language contained in the Fund's 3-year study. The program approved by the Fund for the Republic is described in the document of February 14, 1955:

*Method:* The American Friends Service Committee will endeavor to assist individuals whose rights and freedom of conscience have been placed in jeopardy by offering the services of competent legal counsel to represent the individual in court and the grant of funds to help meet legal costs. We believe it is important to support in practical ways those who have been denied full and free exercise of conscience. Encouragement to the individual to stand by the dictates of his conscience will also present opportunity, through the judicial branch of our Government, to secure interpretations of statutes and administrative regulations which infringe upon the constitutional guarantees of freedom of conscience as embodied in the first amendment to the Constitution of the United States.

Support of conscience against the demands of the state for military service continues to be of concern to Friends. During recent years the right of conscientious objectors to war and conscription have been spelled out somewhat more fully. Much remains to be accomplished in such areas as broadening the concept of religious beliefs as a basis for conscientious objectors; the right to counsel others to obey the higher moral law when it conflicts with that of the state; and the problem of repeated prosecutions arising out of continued conscientious objection to a particular demand of the state.

It is anticipated that the area of greatest need currently and in the immediate future lies in support of individual conscience against growing requirements of loyalty oaths and the heavy pressures, legal and otherwise, to inform on the activities and beliefs of one's friends. The right of the individual to refuse, on grounds of conscience, such demands of the state, is not clearly established in the law and practice of our Government. Many have suffered loss of employment, position, and respect because they obeyed conscience rather than the state. We believe that legal aid and support to such persons can strengthen freedom of conscience.

By September 30, 1955, only one expenditure had been made from the \$150,000 appropriation of the Fund for the Republic. This expenditure, in the amount of \$1,000, was paid to A. J. Muste, Provisional Defense Committee, New York City.

A. J. Muste, a Socialist, pacifist leader in the United States, is president of the Fellowship of Reconciliation. The expenditure is the initial contribution to the Provisional Defense Committee for the purpose of paying attorney's fees, court costs, and fines of 29 individuals who on June 15, 1955, gathered in City Hall Park in New

## 71 VBZ - LINO

York City and refused to take cover, as ordered, during a mock air raid drill. The 29 were arrested by city police and civil defense officials and charged with violation of the New York State Defense Emergency Act of 1951, which makes it a misdemeanor for unauthorized persons to refuse to take shelter during a civil defense drill. Conviction carries a penalty of up to 1 year in jail and/or not more than \$500 fine.

The appropriation by the American Friends Service Committee of \$1,000 to the Provisional Defense Committee was on the ground that the group arrested sought only to follow their conscience and remain in the park during the drill. The Provisional Defense Committee intends to carry the State Defense Emergency Act on a test of constitutionality to the Supreme Court of the United States itself. The \$1,000 appropriated to the Provisional Defense Committee was a preliminary amount decided upon by the American Friends Service Committee and it is indicated, on the evidence in the committee's possession, that this original appropriation commits them for further contributions to defray an estimated additional cost of \$53,000 to carry the case to the Supreme Court of the United States.

The committee staff has not sought review of the file of the American Friends Service Committee for the purpose of examining other expenditures made to date because of the position taken by the American Friends Service Committee in connection with the committee's request for documents subpoenaed in connection with its investigation of Mary Knowles.

In glowing terms the Fund describes a \$5,000 grant which it made to the American Friends Service Committee radio-tape program.

This grant assisted the AFSC with its recorded programs for rural radio stations and school systems. The annual budget is \$13,000, and the Fund's contribution was earmarked for a certain number of programs devoted to civil liberties.

The AFSC programs feature Edwin Randall who is in charge of the Friend's radio division and has been broadcasting to rural and church audiences for many years. Mr. Randall usually interviews Americans and foreign notables, and comments on such topics as the need for international cooperation, constructive projects for underdeveloped areas, brotherhood, peace and freedom. These programs were requested by 283 stations for a total of more than 10,174 broadcasts. Some were sent to networks. Mr. Randall estimates that each broadcast (excluding network broadcasts) had an average audience of 25,000.

Thirty-nine universities and school boards have requested programs. Much of the material goes directly into the classrooms of both elementary and secondary schools.

From the glowing description given to this project by the Fund for the Republic, it would be assumed that the Fund for the Republic was interested in expending its money for a continuation or, in fact, a broadening of such a laudable service. However, after the American Friends Service Committee radio division had expended the \$5,000 and requested additional grants, the Fund refused the grants, expressing itself as basing its action on a feeling that it did not carry enough of the civil liberties theme. If the programs did not carry enough of the civil liberties theme to justify continuation of the grant, then, certainly, the Fund knew that it did not justify the original grant and it therefore becomes interesting to discover how the Fund interested itself in the program in the first place.

By memorandum dated April 21, 1955, Hallock Hoffman advised Robert Maynard Hutchins that, "I have encouraged AFSC to include more civil liberties material and let us pay some of their costs." Hoffman's memo concluded:

They cannot devote more than a part of their time to civil liberties: they will accept \$5,000 from us, and guarantee us a proportional time in the field of civil liberties and racial integration.

We ought to give them the money at once? I take it that we can do so from our present appropriation, but am ready to prepare a docket item if necessary.

It would then seem that Mr. Randall's inclusion of civil-liberties items did not meet the demands of the Fund for the Republic and, for that reason, it was canceled, the laudatory purposes of the program as established in the 3-year report to the contrary.

## 72 VBZ - LINO

### STUDY OF COMMUNIST INFLUENCE IN MAJOR SEGMENTS OF UNITED STATES SOCIETY

One of the most difficult phases of the committee staff's investigation of the Fund for the Republic results in the conflict between what the directors of the Fund approved as a project of the Fund, and what the officers of the Fund claim they approved in official reports, speeches and other documents. The 3-year report of the Fund sets forth that the directors in November 1953 authorized a study of Communist influences in major segments of United States society. However, an examination of the minutes of the meeting of November 18, 1953, shows that it was not Communist influences which was the subject matter voted by the board of directors, but, rather, that the directors appropriated \$250,000 for a "Definitive History of Communism in the United States." The 3-year report then goes on to say that in June 1954 it was suggested that the project might analyze Communist infiltration and indoctrination methods, together with an investigation of the methods used to resist them. The minutes of June 30, 1954, reflect that the board decided to modify the scope of the history of the Communist Party in the United States into smaller projects which would shed light on Communist Party activities in the United States. The board voted that the project should consider:

(a) Analysis of Communist espionage and (b) infiltration and indoctrination methods, with emphasis on the study of infiltration of groups such as unions, teachers, etc., and the methods used by such groups to turn back Communist infiltration.

The 3-year report then reflects that Professor Clinton Rossiter of Cornell was appointed director of the project. The report acknowledged that under Mr. Rossiter's direction a group of scholars were to prepare a series of books on Communist influence, past and present, in the United States. The fields to be covered and the authors responsible for the research in each field were listed thereafter:

History of the Communist Party in the United States (1919-45): Theodore Draper.  
Communism and Anti-Communism (1945-56): David A. Shannon, Teachers College, Columbia University.  
Communism in the Labor Movement: Daniel Bell, Fortune  
Communism in Religion: Ralph L. Roy, Union Theological Seminary.  
Communism in Government: Earl Latham, Amherst College  
Communism in Education: Robert Iversen, Drake University  
Communism and Literature: Daniel Aaron, Smith College.  
Communism and the Mass Media: Moshe Deeter  
Communism and the Social Structure: Nathan Glazer.  
Communism and Opinion-Making Groups: John P. Roche, Haverford College

By press release dated January 31, 1955, the Fund announced that Donald D. Egbert, professor of art and archeology at Princeton University, would undertake the study "of communism and American art." As the 3-year report issued in May 1956 fails to list communism and American art as one of the studies, it would appear that this study has been dropped. This was accomplished without notice on the part of the Fund for the Republic as to the discontinuance of this study. But the Fund, through its officers, only make public that which it elects to make public and even overrides the directors of the Fund in carrying out the officers' objectives. "We are not seeking espionage secrets nor are we in any sense competing with any legally constituted authority. We are scholars plying our trade, just as journalists or Senate investigators ply their trade, in the only way we know how to ply it; by following every source as far back as we can trace it," the 3-year study quotes Mr. Rossiter, the project director. This is a statement made by the director in light of the vote of the directors of the Fund for the Republic that the study should include "analysis of Communist espionage."

Earl Browder, former head of the Communist Party of the United States, is identified by the 3-year report of the Fund as a consultant. Browder, can be proved both by sworn testimony and by documentation to have been a leader of Soviet espionage activities both in the United States and in other countries of the world. He was convicted of applying for and receiving fraudulent passports. He has used

## 73 VBZ- LINO

many aliases in his position as a leader of the Communist Party of the United States. As a member of the Communist International, he was a leader of the international Communist movement. He was under an indictment for perjury at the time he was hired by the Fund, and has refused to testify before the Government of the United States, invoking his constitutional privileges. He was hired by Rossiter because:

We think we have done a real service to the American people in persuading Browder to talk to us. We would be derelict in our duty as citizens and scholars if we did not seek out and talk to every Communist or ex-Communist willing to give us information, opinion, or comment on events in which he has taken part.<sup>1</sup>

Browder, when not under oath, has denied the evidence which has been built up against him. Yet under oath, he consistently invokes the fifth amendment. The Fund therefore selects Browder, who refuses to advise the Government of the nature of the Communist Party, as a source of information. On the other hand, for a forthcoming project, they selected Bentley, Budenz, Chambers, and Lautner, all whom have testified for the Government, and subjected their testimony to analysis in order to determine their reliability.

The Congress and the American people have a long wait in order to determine the objectivity of the end products of this project. One book has been published, the *Roots of American Communism* by Theodore Draper. This book, which relates solely to the Communist activities prior to 1921, is based mainly on factual material listed as an appendage to the book, with the exception of Draper's treatment of the 1917 Russian Revolution. There has never been any controversy surrounding the events and happenings upon which the book is based with the exception of the 1917 revolution. This book was close to completion when he was hired by Rossiter to work on the project. The noncontroversial nature of the book was probably the reason why Rossiter violated his own rule with respect to project authors in order to hire Draper. Point 6 of Professor Rossiter's 7-point qualification of all authors was "that he be unscarred, although not unmovable and untutored, by any brushes he may have had with communism." Draper's book, like many end products of the Fund for which it has spent over \$2 million of tax-exempt money, was published at a cost of \$6.75 per issue. The book jacket states that Mr. Draper "was active in the (Communist) movement as a young student in the early 1930's and served for a time on the staffs of the *Daily Worker*, the *New Masses* (Communist publications) and the *Tass News Agency* (official Soviet press)." He "broke with the movement entirely in the early days of World War II" so it is claimed by the publisher.

### GOVERNMENT WITNESS PROJECT

The 3-year study of the Fund for the Republic lists a grant of \$25,000 to the Stanford University Law School for the purpose of analyzing:

The testimony given by a limited number of witnesses in congressional hearings and in legal trials and proceedings has to some extent affected the general understanding of communism in the United States. Stanford Law School was given a grant to undertake an analysis of this testimony. This study was begun in the fall of 1955 by Prof. Herbert L. Packer of the Stanford Law School.

At present Mr. Packer is collecting the testimony of witnesses, records of legislative hearings, administrative proceedings in judicial trials in Washington and elsewhere. Close textual analysis of this testimony has also begun.

In a "Report and Proposal by the Dean to the Alumni," Stanford University School of Law, September 1957, we find the following description of the project described by the Fund for the Republic:

This project, financed by a grant from the Fund for the Republic, has been underway since January 1956. It is being conducted by Prof. Herbert Packer with the help of a full-time research assistant, Miss Cecile Murphy, and a part-time staff consisting of law and graduate students. From the outset of the study Mr. Packer has had the counsel of a group of his colleagues, including Professors Hurlbut, McDonough, Neal, Sheperd, Spaeth, and Thurman.

The subject of study is the testimony of four former members of the Communist Party—Elizabeth Bentley, Louis Budenz, Whitaker Chambers, and John Lautner—in proceedings relating to the issue of communism in the United States. These proceedings include congressional investigations, hearings before administrative agencies (such as the Subversive Activities Control Board) and

## 74 VBZ - LINO

trials (such as the Smith Act prosecutions) in which the principal issues have been the nature and extent of Communist activity in the United States, and the part played by various individuals and groups in that activity.

The purpose of the project is to bring together and to synthesize the testimony referred to and thereby, it is hoped, to make a contribution to the systematic study and public understanding of Communist penetration in the United States. The study has its genesis in the diversity of witnesses, of subject matters testified to, and of occasions on which testimony has been given. This diversity has two opposing tendencies. One is the strengthening of particular testimony through corroboration by others. The other is the weakening of particular testimony through contradictions by others, through inconsistencies, and through gaps. The study is concerned with these twin results of diversity. It has, of course, no preconception about either. The study is not concerned with whether or not on any particular occasion a witness was telling the truth. Rather, it seeks to mark out those areas where the testimony of a given ex-Communist witness stands corroborated or uncontradicted, either by himself or by others, from those areas where on the face of the record inconsistencies or gaps in the testimony exist.

In pursuing this objective, Mr. Packer and his staff have collected the transcripts (either in the original or on micro-film) of all public proceedings in which the four witnesses named above (the "primary witnesses") have participated. They have constructed an indexing system for reducing this massive body of testimony to manageable proportions and have used this system to analyze the testimony of the primary witnesses as well as the testimony of others ("secondary witnesses") bearing on the matters testified to by the primary witnesses.

Mr. Packer is now engaged in preparing a report embodying the results of the study. At the same time, Mr. Packer's associates are preparing, under his direction, an index-digest of the testimony under study based on the index system referred to above. It is anticipated that this index-digest may be of substantial use to scholars working on various aspects of the problem of Communist activity in the United States. The index-digest will, it is expected, be made available either through publication in conjunction with Mr. Packer's report or by other means. The substantial body of otherwise unobtainable material which has been amassed in the course of the study will be deposited in an appropriate place where it can be available to scholars who wish to use it.

It is expected that the project will be completed, except for editorial details connected with publication, by December 31, 1957.

The Three-Year Report of the Fund and the report of the president of the Stanford Law School allegedly reflect the interest of both the Fund and the school in this project. Both fail to give the American people the full story. The full story will not be told until the results of the study are published, however, the conflict between what is now claimed as the purpose as originally outlined, points up the suspicions which have been voiced of the projects since its inception.

It had been charged that the Fund for the Republic would select certain former Communists who have testified before congressional committees, executive agencies and Federal courts, who were most vulnerable because of the conflict in their testimony and writings, both during and following their membership in the Communist Party. It was suspected and charged that witnesses such as Elizabeth Bentley and Whittaker Chambers would be selected because of their knowledge of Soviet espionage and the difficulty of obtaining collateral information to support this testimony. The factuality of these charges, although only based on suspicions, struck a sort spot in the makeup of President Hutchins who commented upon the charges in a speech:

The Stanford University Law School has received a grant to make an objective analysis and critical summary of the testimony of the principal witnesses in the most important Communist trials.

The professors who direct the studies have complete freedom. They are given the money and asked to recruit their own staffs and work out their projects in their own way. If you want to complain of what they do, you have to argue that they are incompetent or that they are crooked. Nobody has suggested that they are incompetent. But it has been insinuated that in return for money from the Fund they will oblige by digging up facts to support any prejudice that any officer or director of the Fund may have. This insinuation is so outrageous that it must arise out of acute alarm on the part of those who make it. What are they afraid of? I can only conclude that they are afraid of the truth.<sup>35</sup>

<sup>35</sup> The Bill of Rights Award, American Veterans Committee, October 7, 1955, Washington, D. C.



## 75 VBZ - LINO

The Fund for the Republic had been negotiating with Carl B. Spaeth, dean of law, Stanford University, for some time prior to the Fund's forwarding the school the \$25,000 check in August 1955. This is verified by a letter in the committee's possession dated July 1, 1955 from Carl B. Spaeth to Robert M. Hutchins. From this "Dear Bob" letter, Herbert Packer, who at that time was associated with a law firm in Washington, D. C., was designated to handle this project. Packer, who had assisted Adam Yarmolinsky in the preparation of the case studies in personnel security, which this report has previously discussed was to be offered an associate professorship at Stanford University in connection with his work on this project. The letter, after indicating that the comments of Charles Corker who had assisted on the Fund's Communist record project, had been obtained, reads:

The memorandum makes clear that we agree with Millis [Fund consultant on security] that this is a big undertaking. We do not agree with Rowere [Fund consultant and author, of The Kept Witnesses], who believes that the job could be done by a "well-directed research team, probably comprised largely of law students, in 3 months." If the project begins later this summer, we believe that it could be completed by September 1956.

The memorandum referred to in the above quote is entitled "Faculty Committee on Fund for the Republic Project" and identifies itself as being prepared following suggestions that the Fund for the Republic initiate and finance an analysis of the testimony of key witnesses in proceedings relating to Communist activities in the United States. It is evident from a reading of the memorandum of the faculty committee that at the time of its preparation, while probably capable professors of law, were incompetent scholars of communism in the United States.

The faculty committee was apparently unaware of the vast quantity of documentary material which has been collected by the free countries of the world and used for the purpose of establishing the nature of the Communist conspiracy. The faculty committee were of the belief that the knowledge of the conspiracy rested in the testimony of former Communists. In this connection, the first part of their report reads:

The concept of a Communist conspiracy in the United States which has been so dominant a feature of recent political history, rests in substantial part on evidence provided in various contexts by such former, bona fide members of the Communist movement as Elizabeth Bentley, Louis Budenz, and Whittaker Chambers, and by such "undercover agents" as Steve Nelson and Herbert Philbrick. The evidence supplied by these persons has taken the form of testimony in court cases, testimony before congressional committees and administrative agencies, books, speeches, and other more or less formal statements. While various segments of this material have been intensively analyzed in special contexts, there has never been a sustained and vigorous analysis of the sum total of this material. Indeed, the material has never been collected in one place.

The purpose of assembling a collection of this material would be to examine the total body of evidence for (a) internal consistency in the testimony of particular individuals; (b) consistency as between one such individual and another; and (c) to what other extent is practicable, verifiability of such statements by external evidence.

The committee staff further questions the competence of the faculty committee in classifying Steve Nelson as an "undercover agent." Nelson, who entered the United States illegally as a child, has been an officer of the Communist Party for longer than 20 years. He was active in espionage on the west coast during World War II and has been convicted under the Smith Act and Pennsylvania Syndicalism Statute, both convictions having been reversed.

It is evident that between the drafting of the faculty memoranda in 1955 and the dean of law's report of September 1957, the decision was reached to eliminate from the study undercover agents of the Federal Bureau of Investigation and restrict the study solely to those classified by the faculty committee as "bona fide" Communists. Elizabeth Bentley, Louis Budenz, and Whittaker Chambers were the former "bona fide" Communists originally selected for analysis under the project. John Lautner was substituted when it was discovered that Steve Nelson did not meet the original "undercover" classification. Herbert Philbrick was apparently dropped.

The fund faculty committee and the dean of law all claimed that the examining of the four individuals listed will contribute to the

## 76 VBZ - LINO

"systematic study and public understanding of Communist penetration in the United States." We are unable to understand how the study proposes to do such a thing when the witnesses selected possess no knowledge of so many phases of the Communist conspiracy as it relates to the United States.

None of the individuals selected were affiliated with the Cominform from which we learned much of the control exercised over the Communist Party of the United States by the Communist Party of the Soviet Union. None of the witnesses selected are among the several hundred American Communists selected by the leadership of the Communist Party of the United States for training at Moscow University or the Lenin Institute in such Communist techniques as sabotage, espionage, etc. None of the individuals selected were affiliated with any of the professional sections of the Communist Party of the United States and possessed no direct knowledge of the operations of professional units with the exception of what Bentley or Chambers might have learned of the operations of professional people who were separated from the party and in most instances, assigned to work in espionage operations. John Lautner, as an official of the Communist Party, would have knowledge relating to the existence of professional sections and the procedure of operations within these sections, but would possess no detailed knowledge of their actual day-to-day workings or the identity of the membership. Louis Budenz's knowledge of the Communist Party during the period of time that he was in an editorial capacity with the Communist Daily Worker was wide and varied, but much of his knowledge came to him in connection with this position. The manner in which Budenz has received his information had made him vulnerable to cross-examination as has been demonstrated in almost every proceeding in which he has appeared as a witness for the Government.

Communists in Government is an area which cannot be covered by the witnesses selected for examination. Bentley's and Chambers' knowledge of Government related to espionage. Their testimony has been challenged and even denied in certain instances before the courts and before congressional committees. An illustration of this was very evident during the time of Elizabeth Bentley's testimony and was made evident through the testimony of witnesses such as Duncan Lee. Bentley identified Duncan Lee as a member of an espionage group from whom she had received information. Duncan Lee denied that he had given Elizabeth Bentley information but did admit to meeting her on park benches, at drug store counters, etc. Lee attempted to discredit Elizabeth Bentley's identification of him as a supplier of confidential Government documents by classifying her as a frustrated woman who was seeking him out not in the interest of espionage, but in the interest of a subject related to the birds and the bees. It is impossible to determine the concept of a Communist conspiracy in the United States from a mere examination of the testimony given by these four witnesses.

Dean Spaeth, in his September 1957 status report, states that the diversity of the witnesses, both as to subject matter testified to and of occasions on which their testimony was given, provides for the study of two tendencies:

One is the strengthening of the particular testimony through collaboration by others. The other is the weakening of the particular testimony through contradiction by others, through inconsistencies and through gaps. The study is concerned with these twin results of diversity. It has, of course, no preconception about either.

The Fund for the Republic on May 31, 1956, reported that the actual analysis of the testimony of the witnesses had begun. Yet by January 1958, the results of the study were not public.

As to the claim that the study was commenced without preconception, the 1955 memorandum of the faculty committee questions even the accuracy of the claim. The faculty committee memorandum sets forth that the analysis would serve the following purposes:

(a) It would assemble in useful form a mass of related material in an area significant to the Fund's field of interest.

## 77 VBZ - LINO

(b) It would permit an objective analysis of the reliability of a significant group of "Government witnesses."

(c) It would provide a critical summary of an important part of the detailed evidence upon which conclusions about the nature and extent of Communist penetration must be based.

When we consider that over 200 important former functionaries of the Communist Party have testified either before congressional committees, the Subversive Activities Control Board, Federal courts in Communists cases, and that these witnesses include the former leaders of the Communist Party of the United States, the "scope of the study," as set forth by the faculty committee, is enlightening.

It is proposed to concentrate on the testimony of no more than three key witnesses, in order to assure as exhaustive a study as possible within the limits of the available time and manpower. Tentatively, the suggestion is to analyze the testimony of Elizabeth Bentley and Louis Budenz, as representative of former "bona fide" Communists, and of Herbert Philbrick as representative of the testimony of "FBI Communists." If time permits the study could be expanded to include others.

In the cases of Bentley and Budenz, the study would include speeches, writings, etc., to the extent available, predating the period during which these three individuals appeared as Government witnesses. This material, dating from a point in time near the events described in subsequent testimony, would afford an interesting basis for comparison with the substance of later testimony.

Analysis of the testimony would consider, among other things, the varying conditions of solemnity and varying opportunities for cross-examination under which the testimony was given.

The study would not be primarily concerned with expressions by the witnesses as to ultimate questions of judgment, such as the extent of Communist penetration, since it is difficult to verify or disprove such statements. Instead, it would concentrate on assertions of fact as to names, dates, and events. The typical question would not be: "Was Budenz right about the extent of Communist penetration of trade union movement?" But, "does other evidence, including his own, tend to confirm or deny an assertion by Budenz that A, a trade union leader, was a part of the Communist apparatus?"

The study would be inclined to material available as a matter of public record. This seems desirable for at least two reasons:

(a) As a practical matter, it is impossible to obtain access, to any but the most fragmentary and unreliable form, to statements given in confidence, such as interrogations by the FBI; and (b) a study which made use of such fragmentary material of a confidential nature as happened to be available would be open to severe and invited criticism for presenting a distorted picture while an analysis based on the public record alone, while admittedly incomplete, would contain everything an intelligent citizen would have before him in making up his mind about the reliability of the witnesses analyzed.

Limitation of material analyzed to matters of public record eliminate loyalty security proceedings, except such rare instances as the Oppenheimer case. Present indications, based on data compiled so far in the Yarmolinsky project, are that the testimony of informants in general, and especially well-known "professionals" such as Bentley and Budenz, is not a significant factor in administrative proceedings concerned with the loyalty or security of Government employees, or others who fell within such programs.

Finally the faculty committee memorandum deals with why the project should be under the sponsorship of the Stanford Law School rather than a project of the Fund for the Republic itself. In this regard, the memorandum summarizes its position as follows:

## 78 VBZ - LINO

In summary, from the Fund's viewpoint and from the viewpoint of Stanford Law School, it would seem desirable, if the grant is made for the school rather than the Fund to direct and control the project. Concomitantly, decisions as to the form of the report and its publication would be in the hands of the school and the faculty members would direct the project. It should be understood, however, that publication is the primary objective of the study and if the project can be executed substantially along the lines planned its results will be made generally available regardless of this significance in the eyes of those conducting it. If the study is well-conceived, as we believe it is, its value as a school-only contribution will lie in making the materials accessible to a wide group of scholars and citizens and will not depend upon the conclusions which are or can be drawn from the materials.

In light of the faculty memorandum, the Fund and Dean Spaeth publicly advise that the project was started without preconception.

Yet, Dean Spaeth points to the only outcomes of the study; either they establish the reliability or unreliability of the four selected for analysis. In light of the restrictive outcome of the study, it is interesting that it was proposed to obtain material "dating from a point in time near the events described in subsequent testimony." This according to the faculty committee "would afford an interesting basis for comparison with the substance of later testimony." The phrase "interesting basis for comparison" is a strange phrase to use for a study which is free of preconception.

Lack of preconception is difficult to perceive in the light of the fact that the study would not, according to the faculty committee concern itself with the "extent of Communist penetration of the trade union movement" as testified by Budenz, but would rather concern itself solely with whether his assertion "that A, a trade union leader, was a part of the Communist apparatus." In spite of this rather frank admission that the study would only be interested in the reliability of identifications of individuals, we are lulled into a belief that the Fund was attempting to establish to what extent this testimony has affected "the general understanding of communism in the United States." Or rather, that which the faculty committee asked us to believe; namely, that they were attempting to establish that the "conception of a Communist conspiracy in the United States \* \* \* rests in substantial part on evidence provided in various contexts" by and including those whose testimony were selected for study. Or rather still, that which Dean Spaeth asked us to believe; namely, that they were attempting to establish "an understanding of Communist penetration."

The documents set forth above illustrate the preconceptions for this study. Only the final product will demonstrate whether or not this tax-exempt money appropriated by the Fund constitutes a nonobjective, noneducational expenditure for the purpose of engaging in a propaganda activity, and is therefore expended in clear violation of the law. The responsibility is not lessened by the reasons which the faculty committee set forth as to why the project should be one of the Stanford Law School rather than a project of the Fund.

The School of Law, Stanford University, also received an appropriation from the Fund for the Republic of \$5,000 to conduct an examination of the phase of the administration of the Nation's security program. While the committee has not analyzed the end product, the preliminary negotiations between the Fund and the school are of interest as an understanding of how the Fund for the Republic issues its grants. A reading of the official reports and releases of the Fund for the Republic indicates that the Fund does not initiate the studies for which the grants are subsequently made. According to Fund publications, a scholar or a school, independently decides on the subject matter of investigation and in the absence of money requests a grant from the Fund. This grant is to make possible a study which was originally conceived by either the scholar or the university.

## 79 VBZ - LINO

The background of the grant now being discussed is reflected in a memorandum dated March 31, 1955, from Del Fuller, Stanford University Law Review, to Dean of Law Carl B. Spaeth. This memo reflects that George Overton, identified as counsel for the Fund, advised him that the Fund was contemplating awards to enable law reviews to undertake research projects on either of two subjects. According to Fuller, the subjects were "The Protection of Civil Liberties" and "The Administration of the Nation's Security Programs." The Fund for the Republic was thereafter advised that the Stanford Law Review would be interested in making one of three studies:

1. A study of racial or religious discrimination in California public-school systems.
2. A study of the impact of security regulations on the hiring and firing policies of private industry—the electronics industry—(San Francisco peninsula area).
3. A study of local bail-bond systems.

These areas of interest were then turned over to George Overton who forwarded them to the Fund office in New York. Dave Freeman wrote Dean Spaeth:

George Overton has passed along to us the interoffice memorandum from Del Fuller relating to the Stanford Law Review project. Bob Hutchins, Ping Ferry, and I have all looked over the three suggested summer study topics, and we are in favor of your pursuing this matter further. If we were to make the decision between the three studies, we would probably vote for No. 2; both of the others would also be of interest to us. \* \* \*

Should you and Mr. Fuller decide that project No. 2 is the one you would like to undertake, you may want to talk to Hallock Hoffman in our west coast office. As you know, we have various projects cooking in the security area and some of these might provide useful material or contacts for your researchers.

The electronics industry in California was still as of March 1955 pretty much under the Communist-dominated United Electrical, Radio and Machine Workers which had been expelled from the CIO in 1949 because of its subservience to communism. However, as we shall see from the Fuller interoffice memorandum, this Communist domination was of no concern to the study, as an effect on national security. The only points of interest to the school in its study of the administration of the Nation's security programs were:

- (1) To what extent do security regulations explicitly block the hiring of people who would otherwise be acceptable employees?
- (2) To what extent do personnel directors anticipate security clearance problems and, in order to avoid clearance problems, impose a more rigorous standard of acceptability than do the regulations?

### INFLUENCE OF LEGISLATION

By September 1956, the committee had exposed the deceitful conduct of the Fund for the Republic as it related to its project of alleged blacklisting in the entertainment industry and its award to the Plymouth Monthly Meeting re Mary Knowles. With the completion of the hearings, the Fund for the Republic stepped up its campaign to discredit the committee. Part of this attempt to discredit encompassed the laying of a motivation for the hearings and investigation by the committee, at the feet of the committee chairman. Fund propagandist Joseph Lyford, writing in the August 27 issue of the New Republic, laid this background in an article "Fund—Americanism Among the Quakers." Dealing with the committee's hearings in connection with the Plymouth Monthly Meeting award by the Fund for the Republic, Lyford stated as a matter of fact that there "was little mystery about Walter's purpose in Philadelphia". Lyford charged that the hearings were another round "in a campaign to discredit the Fund for the Republic". The background of the campaign is quoted by Lyford as follows:

Months previously Walter had revealed the sources of his antagonism to the Fund in some curious conversations with several of its directors: he was under the mistaken impression that the Fund was lobbying for repeal of the McCarran

## 80 VBZ - LINO

Walter Immigration Act. Repeated denials by Fund officials failed to shake the Congressman's misapprehension or deter him from issuing press releases questioning the loyalty and integrity of the Foundation [Fund]

No press release or statement by the committee has ever questioned the loyalty and integrity of the Fund which the committee considers to be the directors of the Fund. Any statement issued by the committee reflects upon the conduct of the officers of the Fund such as Joseph Lyford, the author of this article. Whether the officers' blind disregard for the security of the United States tends to question their loyalty only the officers themselves can state.

In the September 1956 bulletin of the Fund for the Republic, prepared, printed, and distributed by tax-exempt money, the Fund continued the propaganda started by Lyford in his article in the New Republic. In this bulletin titled "Congressman Walter Investigates," we find this language:

Bethel M. Webster, counsel for the Fund, at once made efforts to see Mr. Walter, but was unable to obtain an appointment until March 5, 3 1/2 months later. When Mr. Walter finally agreed to see the Fund's counsel, his main concern seemed to be to find out whether the Fund had been financing attacks upon the McCarran-Walter Immigration Act, of which he was coauthor. (It had not been.) Since he gave no other explanation for the inquiry, Mr. Walter left counsel under the impression that his sensitivity in the matter of this controversial measure was the main reason for his hostility to the Fund.

To support its allegation that it had not been engaged in activities related to repeal of the Walter-McCarran Immigration Act, the Fund had prepared a memorandum dated May 16, 1956, which it submitted to the committee. This memorandum detailed appropriations made by the Fund for the Republic dealing with the subject matter of immigration and naturalization. The memorandum reported that among appropriations made for studies of this subject, the Fund on July 30, 1954, appropriated \$15,000 to the Common Council for American Unity "to support during a 9-month period the expansion of the council's work in protecting the legal rights of aliens." Also, that the Fund on May 19, 1955, appropriated \$32,500 to the common council "to enable the council to assemble and describe a large number of case histories of aliens in this country, with a view to assisting in the understanding of the operation of laws affecting aliens and immigrants."

This representation by the Fund for the Republic is typical of its operation. - Rather than supplying to the committee the complete documentation possessed by the Fund covering these appropriations, they selected only that which purports to be a justification of their claim. If they had presented to the committee the requests for grants made by the Common Council for American Unity, they would have forwarded to the committee, among other documents, a letter dated April 29, 1955. The committee would then have been apprised that the end use of the product financed by nearly \$50,000 of the Fund for the Republic money was clearly intended to influence legislation:

The facts assembled, and the conclusions to be drawn from them, would be made available as widely as possible in the form of a book or report, pamphlets, and special articles. *It seems only fair to expect that they would prove an important influence in educating public opinion, in obtaining amendments to existing law, in effecting changes in its administration.* \* \* \* [Emphasis supplied.]

In light of the quote from the request for grants, let's examine again the statement made by the Fund for the Republic in its bulletin of September 15, 1956, and the factual declination "it had not been". Let's also examine the end use of the product financed by the Fund for the Republic in light of the statement which appears in the Fund's bulletin of January 1957, "The Fund does not attempt to influence legislation."

The end product, the book entitled "The Alien and the Immigration Law, a Study Under the Direction of Edith Lowenstein, Common Council for American Unity," proves without equivocation that the true purpose of the study undertaken under the grant was to influence and promote legislative changes in the existing immigration laws, as well as to promote proposals for changes of administrative procedures.



## 81 VBZ - LINO

In its foreword, Mr. Reed Lewis, executive director of the Common Council for American Unity stated:

"As such, the study can be valuable as a source in discussing needed changes, and will, we hope, prove a contribution to better legislation.

Mr. Lewis further stresses the lobbying aspects of the publication by stating that—

"Some of the hardships created by a rigid law have been corrected; or at least alleviated, by the Immigration Act of September 11, 1957. This new legislation does not, however, cover all the situations in which administrative discretion to ease hardships is needed. Unless such discretion is vested in the administrative branch of the Government to a much greater extent than now, the need for private legislation will continue, and with it an uneven distribution of justice, since such relief is not readily available to many aliens.

In addition to the revealing statements of purposes made by Mr. Lewis the study itself stresses the necessity of legislative changes in the existing system of allocation of immigration quotas to the various countries of the world and advocates the necessity of legislation amending the present law as it relates to deportation of aliens, to naturalization procedures, and to provisions of the nationality statutes governing expatriation.

Let's also examine the denial of the influence of legislation made by Fund in January 1957 with the fact that the Fund has used tax-exempt moneys to distribute the 35th annual report of the American Civil Liberties Union. This publication deals extensively with legislative recommendations. While it is true that this is a publication of the American Civil Liberties Union, its distribution by the Fund for the Republic makes the legislative recommendations contained therein a responsibility of the Fund itself. There can be no question that the Fund for the Republic was aware of the American Civil Liberties Union's role directed toward influencing legislation. Writes the ACLU in the bulletin distributed by the Fund:

"Contributions to the American Civil Liberties Union are not deductible for income-tax purposes since the Treasury Department has held that a "substantial part" of the Union's activities is directed toward its influencing legislation.

The Walter-McCarran Immigration Act was also the subject of attacks by another Fund financed enterprise. This involved the Edward R. Murrow telecast of an interview with H. Robert Oppenheimer on his "See It Now" television program of January 4, 1955. By February 17, the Fund officers had negotiated with Murrow and possibly CBS for the purchase of 110 16-mm. prints. The prints, purchased by the Fund, was not the interview presented on the air but an expanded version running 50 minutes. At a cost of \$15,566.91, exclusive of cost of distribution, the film had been shown to 108,013 persons by September 1956.

The film was almost entirely the story of the School for Advanced Study, Princeton, N. J., which Oppenheimer heads. While extremely educational it did not relate to the Fund's charter, unless it was intended to combat the impressions held by the American people of Oppenheimer following his removal from Government atomic research. The committee staff does not charge that this was its intent in spite of other actions on the part of the Fund with respect to Oppenheimer. The committee staff finds the expenses incurred by the Fund was in violation of tax-exempt regulations because of its attack upon the Walter-McCarran Immigration Act. This subject was unsolicitedly injected into the interview by Murrow, who used Oppenheimer for the purpose of falsely implying that the law in itself was responsible for denying scientists admission to the United States. While some scientists have been denied entry into the United States the reasons for some were not discussed. Murrow merely asked if the Walter-McCarran Act was not responsible for denying free intercourse among scientists, to which Oppenheimer replied "it is a wholly grotesque way to meet the problem of espionage. It is a scandal."

The fact that among these scientists were Communist agents, including those who were known to have assisted or condoned Soviet espionage was conveniently omitted. Dr. Oppenheimer knew the identity of several as the result of his experiences during the development of the A-bomb.

Oppenheimer defense and the condemnation of those not supporting him was a favorite cause of the Fund. They even spent tax-exempt money to attack the special body under the chairmanship of Gordon Gray, which voted to remove Oppenheimer's security clearance. To accomplish this they selected for distribution Charles P. Curtis' book, *The Oppenheimer Case*. This book clearly points up the distinction which the committee makes between the right of Charles P. Curtis to write and have published any view which he maintains, and the right of the Fund to accept Curtis' constitutional right and adopt it for their propaganda purposes. That Charles P. Curtis was prejudiced he acknowledges:

To begin with, you should know what this book is based on—in other words, what lies behind it. What usually lies behind a book is mainly the opinions, the prejudices and the experiences of the author. I am not going to keep either my opinions or my prejudices out of this book. I don't want to. I couldn't anyhow. I know Oppenheimer. I don't know him well. I have met him half a dozen times. But I know him well enough to start with an opinion—or, if you prefer, a prejudice—in his favor. And the transcript of the proceedings and the decisions have confirmed my opinion and my prejudice.

Were the prejudices of Charles P. Curtis adopted by the Fund when it selected the book for distribution? Was it the intent of the Fund that the 500 educators, business executives, and lawyers to whom they mailed the book adopt the prejudices of both the author and the Fund?

Objectivity, not prejudice, is that which Congress intended to reward, through the grant of tax exemption.

#### TELEVISION ACTIVITIES

The Fund also condemned the University of Washington because of its action against J. Robert Oppenheimer.

On this occasion, it utilized not a book or a show by Edward R. Murrow, but a news film. The film was prepared under an experimental project of the Fund and was supplied to television stations in the name of the Fund for the Republic. The Fund's action in this film was similar to that of the film which it produced to publicize the award in behalf of Mary Knowles.

According to the committee staff's evidence, unverifiable because of the refusal of the Fund to make its records available for inspection, this program was inaugurated by the officers of the Fund, without approval of the directors. According to the minutes of the meetings of directors, supplied to the committee by the Fund, this project was not discussed with the directors until May 19, 1955, when President Hutchins and Vice President Ferry reported on the experimental program which had been supplying television news clips to newscasters in southern California on an experimental basis. Following the discussion, the directors empowered the executive committee of the Fund to act on the recommendations of the officers for an expansion of this service. On September 15, 1955, \$200,000 was appropriated to operate the television news clip program on a national scale for 1 year.

The Three-Year Report of the Fund of May 1956, reporting that 30 TV news clips had been released and had been shown before an estimated audience of 55,581,000 persons. Describing the project as one which provided motion picture reports of events of interest in civil liberties or race relations to television and network news editors all over the United States, at no cost, the Fund reported:

In September 1955, it was felt that results, with television film clip programs provided under an experimental radio-television appropriation, justified expanding of news film service which the Fund began in California.

The Fund's interest in J. Robert Oppenheimer is reflected in two separate films prepared and financed by the Fund, under its news film project. Both films revolve around the action by Dr. Henry Schmitz, president of the University of Washington, in barring Oppenheimer as a campus speaker. The first TV clip news release and/or script describes the film as:

The action of the president of the University of Washington, Dr. Henry Schmitz, in refusing to allow atomic scientist Dr. J. Robert Oppenheimer to speak on the

## 83 VBZ - LINO

campus has stirred up a hornet's nest in Seattle. Angry students hanged Dr. Schmitz in effigy and then held a mass meeting to demand Schmitz change his ruling. Schmitz has refused. So today the student body sent a delegation to the State capitol to protest. Here's what some of the students think about it.

In the presentation of the students, a majority, an overwhelming majority, of the students presented on the film were those voicing protest against the actions of the president in barring Oppenheimer. This absence of a representative number. While the film makes the charges against Dr. Schmitz quoted above, the film closes with the mere announcement: "Dr. Schmitz was unavailable for comment."

President Schmitz' position and reasons for barring Oppenheimer from the campus of the University of Washington, was a matter of public record at the time of the student protest, as well as at the time of the preparation of the Fund TV news clip. Certainly the unavailability of President Schmitz does not excuse the Fund for the Republic from representing his position and therefore presenting to the TV audience an objective coverage of the controversy.

Following the incident reported in the above TV news clip, there was scheduled at the University of Washington on April 7 and 8, 1955, a symposium on "The Molecular Basis of Enzyme." Because of the Oppenheimer incident, certain invited lecturers refused to attend. The Fund produced and financed a news clip dealing with these refusals. The clip relating that seven of the invited lecturers had refused to attend, presents live, Prof. Arthur Kornberg of George Washington University, St. Louis, Mo. Kornberg is presented reading a portion of his letter to President Schmitz, which letter sets forth his support of Dr. Oppenheimer and his condemnation of the president of the University of Washington in barring him from the campus. In the preparation of this news clip, Professor Schmitz was available and had released a statement but the film silently portrayed President Schmitz at various University of Washington functions. President Schmitz' statement was furnished each TV company with a print of the clip but the sound track of the clip did not contain the statement.

According to the committee investigation, other Fund produced TV news clips are as follows:

One related to "Fear in Education."

In this news clip presented to networks in the name of the Fund for the Republic, there is presented a teacher in the Los Angeles public school system expressing an opinion on the subject of fear in education. The script reads:

She is a leading faculty member in her school. To protect her from any possibility of reprisal or discrimination as a result of expressing her frank opinions, she is unidentified.

Her unsupported opinion is presented as a followup to an opening statement by a moderator:

A teacher in the Los Angeles public system today charged that widespread fear on the part of teachers generally is hurting the quality of education. \*\*\*

Another related to an "Armed Forces Day parade in Long Beach, Calif."

This television news film documents a conflict which took place at the Long Beach, Calif., Armed Forces Day parade. It resulted from indignation of veterans of World Wars I, II, and the Korean war over signs carried by affiliates of the Fellowship of Reconciliation.

The Fund produced film portrays the conflict as a condemnation of the veterans, not of the pickets. This film decries the violation of the civil rights of the pickets and infers that the interference with the veterans right to parade does not constitute a civil rights violation.

The committee's investigation has established that the picketing engaged in under the Fellowship of Reconciliation was designed to agitate the veterans participating in the parade. All of the pickets were not affiliated with the Fellowship of Reconciliation as we have learned from documents in the committee's possession. On May 7, 1953, a meeting of the executive board of the Southern California Peace Crusade was held at the First Unitarian Church. At this meeting, Peter Hyun, an identified Communist, announced that the Fellowship of Reconciliation was planning a poster march in the parade. He further announced that any individuals interested in participating in the poster march would be welcomed.

## 84 VBZ - LINO

Apparently the Fund for the Republic was on hand to film violence which was anticipated but did not take place. Ignoring the right of the loyal citizen to peacefully demonstrate, free of molestation, the Fund for the Republic stated in its release, which accompanied the television news clip:

This film clip is furnished by the Fund for the Republic as an illustration that basic constitutional liberty applies to all groups, even those with whom the majority may disagree.

Other Fund-financed television news clips related to the subject of loyalty oaths, as a condition of residence in public housing projects, loyalty oath requirement for tax-exempt veterans, student demonstration on encroachments on academic freedoms a libel suit growing out of Communist charges, ruling by California attorney general that the Bible should not be read in classes, Socialist Party's objection of the inclusion of one of its organizations on the Attorney General's list, and attacks on certain aspects of the Federal-security program.

In addition the Fund for the Republic has financed television news clips featuring the extremely biased California attorney, A. L. Wirin. Wirin, whose uncontrollable bias on one occasion necessitated the committee ejecting him from a hearing in California, was featured arguing the unconstitutionality of loyalty oaths.

Like the Mary Knowles award, the Fund for the Republic prepared a television news clip on its award to the "Westwood-UCLA-YWCA." President Hutchins, of the Fund for the Republic, used the opportunity of the award to attack the Attorney General's list of subversive organizations. He praised the "Y" for renting its facilities to groups "even though they are on the Attorney General's list."

The Attorney General's list was described by Hutchins, speaking for the Fund for the Republic, as the "most pernicious institution of recent times." Hutchins' condemnation of the Attorney General's list while demonstrating a consistency in Hutchins' position, is but merely another item of proof of the biased operation of the Fund for the Republic.

The committee staff has not examined, for the purposes of this report, the Fund for the Republic-financed TV news clips relating to religion or race. As we have stated previously in this report, while expenditures by the Fund for the Republic in these fields may be objectionable, the committee has excluded them from the report in order not to confuse the issue. We feel however that the Internal Revenue Service would upon investigation find several of the TV news clips to be propaganda in origin and in content. The propaganda value of the visual media, such as radio and television, has been discussed by the committee staff time and time again. The Fund for the Republic in its blacklisting report attempted to reject this argument through an analysis of the screen plays of Hollywood Communists—principally the "Hollywood Ten." While rejecting the arguments of the propaganda of this medium, the Fund has appropriated large sums of money for the purpose of utilizing the propaganda advantage offered by TV.

The Fund appropriated \$200,000 for a television series featuring the cartoonist Herb Block. Herb Block's cartoon condemnation of investigation of communism, is known to everyone including the officers of the Fund. His cartoon treatments of congressional investigations of communism, the operation of the loyalty-security program, and individuals active in the expose of communism, has been condemned as a tragic demonstration of Americanism. Yet the Fund for the Republic hires Herb Block to feature a series relating to the investigations of communism, and the many security programs. The actual treatment by Herb Block is denied the committee through the refusal of the Fund for the Republic to make its files available for examination. The project was discontinued when the Fund found that the series could not be tailored to put across its point without showing the obvious bias. The committee staff is unaware of the cost of this discontinued project to the Fund for the Republic. Herb Block is known to have received \$1,750 for his services.

Expended by the Fund for the Republic was \$27,223.46 for a similar propaganda treatment by Al Capp. Two films were prepared by Capp, neither of which were distributed by the Fund for the Republic and the films were returned to the author. The principal

## 85 VBZ - LINO

treatment of the first film by Al Capp was the ridiculing of America's concern over communism. It was accomplished through the betrayal of a soap manufacturer, who was portrayed exhibiting a ridiculous concern over subversives in his plant. The second film by Capp was a discrimination treatment. The committee staff takes exception to this expenditure of \$27,000 by the Fund for the Republic as a violation of expenditures approved under tax-exempt legislation. Irrespective of the fact that the film was not distributed, the story outline of the film, if the Fund would have been interested in its contents, would have demonstrated the propaganda treatment of the film and the \$27,000 of tax-exempt money would not have been wasted.

The Fund expended \$31,881.56, for a film directed by Sidney Lumet, a subject of Cogley's blacklisting report on TV. This film revolves around a school-bus driver, who was asked to sign a loyalty oath. The driver refused to sign the oath and was fired. The film gives considerable treatment to a meeting of townspeople debating reinstatement of the driver. The film ends without showing the resistant action of the townspeople. It appears that this some \$30,000 is another expenditure of the Fund for the Republic intended to contribute toward the destruction of loyalty oath requirements. The committee staff is unable to find a single treatment of the loyalty-security program, by the Fund for the Republic which even by inference could be classified as constituting approval.

The Fund for the Republic has in addition to the above, spent several hundred thousand dollars in an effort to encourage the presentation on the American TV screen of drama which represents the perpetuation of the Fund's way of life. The winning scripts in the Fund's contest for TV plays relating to the subject of civil rights and civil liberties, were made available to radio and TV networks. The Fund has bitterly complained over the unwillingness of the radio and TV networks to adopt these works for network presentation. The Fund's complaint is apparently based upon disappointment, that the industries did not see eye to eye with former Fund chairman, Paul Hoffman. Hoffman, in a ceremony, at the Waldorf Astoria Hotel in August 1955, stated:

The subjects with which these writers have dealt include some of the fundamental issues facing the Nation today. We are confident that the television industry will find many, if not all, of the winning scripts eminently suitable for production.

The principal judge engaged by the Fund for the Republic was Julien Bryan, whom the Fund describes as a documentary film producer. Bryan could be classified as an expert on Russia. In the middle 1930's, he is reported to have been a guide for the Russian Travel Department. He apparently has had little difficulty in penetrating the Iron Curtain, as illustrated by the film which he made in 1947 on religion in Russia and his 1950 film on China. His objectivity and effectuality are seriously questioned by his presentation of both these subjects.

To encourage the live presentation of scripts, the theme of which met the approval of the Fund for the Republic, a committee of awards was created by the Fund. After the death of Fund Director Robert E. Sherwood, the awards were named in his honor. The 3-year study acknowledges an expenditure in this field by the Fund of \$17,937, which the committee staff estimates is about one-third of the total expenditures of the Fund today in this field. In the February 27, 1956, issue of New Leader, there is an article entitled "Fund for the Republic Muffs Again." Although this article relates to the Robert E. Sherwood awards, it illustrates the cleverness of the Fund's operation. Kermit Bloomgarden was the only theater representative among the Sherwood award jurors. Joseph T. Shipley, the author of the article, as well as the New Leader, itself, can only be considered as objective bystanders, in either the operation of the Fund for the Republic, the loyalty-security program enforcements, or the procedures of committees investigating communism. Therefore, as an expression of the position of the committee staff, the article is hereafter quoted:

The Fund for the Republic has a fine title: it implies a trust, almost a dedication. The Fund is devoted to the preservation of our American liberties. In this great cause, it has just established three awards "for television programs

dealing with American liberty and freedom, as presented on commercial television." There is an award of \$20,000 "for the best network drama," another of \$20,000 "for the best network documentary," and one of \$15,000 "for the best production of either type by an independent station." These prizes are to be known as the Robert E. Sherwood Awards.

In seeking to honor the memory of Robert E. Sherwood, in using his name to lend his dignity and integrity to its awards, the Fund must assume the responsibility of insuring winners who will manifest the high level of love of democracy and fair dealing marked in the life and in the plays of Robert Sherwood. In the theater, no more staunch exemplar of democracy can be found. As president of the Dramatists' Guild (I wish I had space to quote his farewell address), as fellow worker and friend of playwrights, as man and author, he was a pillar of faith and works for liberal thought and liberty. His *There Shall Be No Night*, a drama of the Fungs' stalwart stand against Russian tyranny, is a flaming indictment of the ruthless totalitarian drive. When I chatted with him not long before his death, he spoke of "my two dearest loves, the United Nations ideals and the theater."

Of the 9 jurors for the Robert E. Sherwood awards, only 1 is of the theater. Since 3 are attorneys, 1 a college president, 1 Mrs. Eleanor Roosevelt, it is clear that the theater representative will be a large determining factor in the choice of the "best network drama," etc. For that juror, the Fund might have named any of a score of friends and close associates of Sherwood, outstanding persons of unquestioned devotion to the same ideals. The Fund chose theater producer Kermit Bloomgarden.

The career of Kermit Bloomgarden—the only representative of the theater among the Sherwood award jurors—has been prominently linked with organizations listed as subversive. His activities along these lines were not confined to the years when Russia was our enforced ally in World War II, but spread through years when the cold-war issues were clearly and sharply defined.

He was a sponsor of the Freedom from Fear Committee. He served as director and treasurer of the Progressive Citizens of America. He was affiliated with the Independent Citizens Committee of the Arts, Sciences and Professions, which was repudiated in 1946 by its chairman, Harold I. Ickes, because of its Communist character, and which Louis Budenz in 1948 declared had been created in his office at the *Daily Worker*. Continuing his activity in the National Council of the Arts, Sciences and Professions—he had been a nominee for office in its theater division—Bloomgarden was a sponsor of the "Scientific and Cultural Conference for World Peace" held at the Waldorf-Astoria Hotel in New York City in March, 1949.

If he was unaware of the character of these associations up to then, in these later days of awakening he has vouchsafed no public sign of withdrawal or disavowal. And while all lovers of the theater will recognize the significance of the role of the early Moscow Art Theater, few lovers of democracy sent greetings—not hopes for liberation—on the 50th anniversary of that group, when it was sunk under the domination of a dictating tyranny. The *Daily Worker* listed, among the senders, Kermit Bloomgarden.

What justification can there be for the selection of a man with such a background as the sole theater man for the Sherwood award jury? Does the Fund for the Republic wish to sustain the ideals associated with Sherwood's name? Too often of late, Fund apologists have had to plead ignorance, or explain that misjudgments or omissions can creep in anywhere. There are reactionaries ready to cry out against all foundations using their resources to promote the humanities, to foster liberal thought, to sustain our freedoms. Those who cherish such ideals must protest when their supposed defenders, with whatever well-meaning purpose, give ammunition to the enemies of freedom. The Fund for the Republic is developing accidents into coincidence—or is it, indeed, a conscious line?

#### AMERICAN TRADITION PROJECT

The American Tradition project is another example of the one-sided approach of the Fund for the Republic. This Fund-financed project had as its purpose the awarding of individuals who met the test American traditions as defined by the officers of the Fund for the Republic.

This interpretation of the Fund did not result from an analysis by the Fund to determine just what the American tradition might be. In propagandizing the Ford Foundation for the additional \$14 million which it received in February 1953, the directors of the Fund set forth the necessity of research to determine just what the American legacy might be. Until recently it conducted no research of this legacy and its decision to award actions which exemplified either the legacy or the tradition, were made, not on the basis of impartial study but on the biased interpretation of the tradition by Fund's officers. The resultant awards served merely to commend those whose actions the officers of the Fund approved, and to condemn those whose action it disapproved.

Will Moore-Kendall analyzed the Fund's American Tradition project, and his analysis of it appeared in the October 26, 1957, issue of



## 87 VBZ - LINO

National Review. Like the Shipley article which related to one phase of the Fund's television propaganda activities, the committee staff reproduces Kendall's article "The Fund Drives a Wedge Between Our Traditions and Our Way of Life." This analysis is produced

<sup>a</sup> National Review, October 26, 1957, p. 470

for the purpose of documenting the conflict which projects of the Fund motivated by bias has caused:

Is the "American Tradition" a mandate for the realization of the program of contemporary American Liberalism? Of course not; but the Liberals are very busy-busy these days insisting—alike in serious scholarly works and in their mass propaganda—that our tradition is just that, that the "principles" of our forebears coincided precisely with those of Arthur Schlesinger, Jr., and that, in consequence, anyone who refuses to embrace those principles is *ipso facto* a bad, not to say subversive, American. And unless some other people get busy-busy exposing the Liberals' fibs and half-truths about our traditional way of life—our way of life as it has actually been lived, and not merely as it has been written about by star-gazing intellectuals—and about the ideas most Americans have actually acted upon down through the decades, it is soon going to be too late to do anything about it.

I have before me, for instance, a pamphlet entitled "The American Tradition in 1957," published by the American Traditions Project of—as you might guess—the Fund for the Republic. The Project, it seems, has been sponsoring a letter-writing contest, in which the entrants have been asked to "write about any incident, of which they personally were aware, in which there was an every-day working application of the American traditions of law and justice and decency for all men." And out of the "hundreds of letters" that came in the Project is making available in its pamphlet—for your edification and mine—a "sampling"; not a "selection," mind you, but a "sampling," since, we are assured, "those few examples speak truly for [all the letters]. They demonstrate [that] our cherished traditions . . . work as well today as they always have; and, if we are faithful to them, always will." There are, in other words, no two opinions out there in American society as to the kind of behavior our tradition enjoins upon us; and the one opinion is Liberal.

Let us make a sampling of the samplings, summarize the stories and note the "traditions" they point up:

John Orr cast the one negative vote in the Florida Legislature against certain statutes calculated to avoid compliance with the Supreme Court ruling on desegregation. Though he knew he was laying his head on the block politically, he also made a speech in which he said that "second class citizens [are] repugnant to our democratic principles." But the voters in his constituency "under the full force of the conscience that has made America great," re-elected him by an overwhelming majority. The moral? "The Founding Fathers gave us no more sacred right than the right to dissent"—which, let us notice, is to ignore the fact that what was at stake in the election was *not* Orr's right to dissent (which no one had challenged), but his right to dissent and be re-elected. Which right, begging the Project's leave, is unknown to our constitutional law. (And note the plug for desegregation.)

An art exhibition entitled "Sports In Art" was about to be presented by the Dallas (Texas) Museum of Fine Arts. The Dallas Patriotic Society insisted that all the paintings by four of the painters participating be eliminated—on the grounds that each of them had a "Communist or Communist-front record." The Trustees of the Dallas Art Association found no evidence supporting this charge, and so went ahead and exhibited the paintings—avowing, as it did so, that "one of the basic principles of American Justice is that a person is presumed innocent until proven guilty." What would the Trustees have done had they discovered the four painters did have Communist or Communist-front records? The author presumably doesn't know, but this does not prevent him from drawing the (surely unwarranted) moral, which he quotes from that old traditionalist Dwight Eisenhower: ". . . freedom of the arts is a basic freedom. For our Republic to stay free, those among us [including, one supposes, Communists] with the rare gift of artistry must be able freely to use their talent." And it follows, one gathers, that when an American community boycotts a Communist artist or performer, it violates an American tradition.

Fred Ross disagreed when people told him that the Mexicans in a certain slum district were "naturally dirty and lazy," and preferred to "live that way." His idea? Well, the Mexicans mostly didn't vote. So he got them registered, and "the pay-off" came fast: street-lights, new paving, better police service, more devoted teachers. The moral: "American democracy . . . works [i. e., brings a 'pay-off'] only as well as its people make it work." So redistributive taxation is also part of the American tradition!

A Filipino-American family was about to move into a house on Cherry Street in Winnetka. A physician, a resident in the same street, sought to rally the neighbors to "repel this invasion." Then a family who disagreed with him got all the neighbors together to meet the "invaders," and sentiment shifted against the doctor. "Cherry Street," the letter concludes, "is quiet now. Ask anybody what kind of people live there. Chances are the answer will be 'Just neighbors.'" The clear implication? Anyone who thinks the citizens of a free society are entitled to choose their neighbors, and therefore favors restrictive covenants and similar practices, has American tradition against him—is, in a word, a bad American.

Thomas Jefferson—this, however, from the Project editors, not one of the letter writers—once wrote: "Truth is great and will prevail if left to herself;

## 88 VBZ - LINO

she is the proper and sufficient antagonist to error and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons." What human interposition? The Project does not say. "The loyalty-security program and the Congressional inquiries about Communist penetration of government and schools." But, as we traditionally say in Oklahoma, it seems to be thinking it mighty loud.

### FELLOWSHIP AND GRANT-IN-AID

The Three-Year Report published by the Fund of the Republic in May 1956, reflects that the Fund had expended \$204,546 on a fellowship and grant-in-aid program. That the Fund has denied the committee access to its records, we are unable to state how many additional thousands have been expended by the Fund for the Republic in its program to date. The report identified the recipients of Fund grants and, briefly catalogs the area of study.

This report excludes "fellowships and grants-in-aid" relating to religious or racial matters. Most other studies relate in some way to the interest of the Community Party and its members. This interest was tied up in either investigations of loyalty-security programs, loyalty oaths or legislative investigations of communism.

The committee staff has been unable to locate a single study which has produced an objective discussion of the problems involved in the field of study. A study of many of the recipients of fellowships and grants-in-aid demonstrate them to possess a prejudice in relationship to their area of inquiry. The recipients of the grants, in many instances, had been publicly proclaiming their prejudice over a great many years. It is evident that the Fund for the Republic knew of the existence of this prejudice and utilized it by making grants to those possessing a prejudice.

This program has been acknowledged by the Fund for the Republic as the program of the Officers of the Fund. In the Three-Year Report, the Fund acknowledged that this program was established in September 1954. The purpose of the program as set forth in the Three-Year Report was to permit the officers of the Fund to:

Find and assist people of mature judgment who are doing, or who are qualified to do, constructive work in area of the Fund's interest.

The board of directors of the Fund, by this quoted language placed into the hands of Fund President Hutchins and the officers under his control, the responsibility of determining three things:

(1) To determine what subject was in the interest of the Fund; (2) determine the judgment of the recipient, and (3), to determine if the recipient's work was constructive.

A consultant appointed by the Fund was Prof. Robert E. Cushman, of Cornell, who has passed on all fellowship applications. The Fund in its report tells us nothing of Professor Cushman's background that would establish his qualifications for the position he was given. By the same token, the Fund conceals Cushman's bias, which bias he has been expressing over a great many years. The Fund failed to disclose that the job which the Fund commissioned Cushman to perform was similar to jobs which he had been commissioned to perform by the Rockefeller Foundation. Cushman's bias was dealt with in the report and hearings of Special Committee To Investigate Tax-exempt Foundations and Comparable Institutions dated 1954, and the committee staff does not intend to duplicate the findings of that committee. We have found, in addition, that Cushman, in January 1948, was referring to congressional findings of Communist espionage activities as the "orgy of unrestrained witchhunting". With the disclosures of the Canadian Commission, of Soviet espionage activities against the Canadian Government, and the connecting links to activities against the American Government before him, Cushman stated that the loyalty programs were for no other purpose than:

We have managed to instill into the mind of every man or woman who holds a Government job, or who wants to hold a Government job, that he had better read the right books, newspapers and magazines, says the right things, and, considering all the risks, had better not join any organization

## 89 VBZ - LINO

or society at all, since a Communist might also join it, and then he would become a fellow traveler and be damned forever.

We are in the process of building up the impression that we wish to staff the United States Government with people who, in self-protection, will follow two simple rules: (1) Think only approved and orthodox thoughts; and (2) in case of doubt, don't think at all.

With Rockefeller Foundation money, Cushman had prepared many biased works, by researchers and authors whose bias was known prior to his hiring of them under the Rockefeller grant. One of his Rockefeller grant studies was conducted under Cushman's direction, by Eleanor Bontecou. Joseph Volpe, Jr., the Fund's security consultant, during the presidency of Clifford P. Case, prepared in January 1954, a memorandum containing certain recommendations about Fund projects in the loyalty-security field. His memorandum dealt with the studies under the Rockefeller grant and referred specifically to the end product of Eleanor Bontecou. Wrote Volpe:

The Bontecou book is perhaps the most comprehensive and detailed effort of all the material that has come out of the project. Unfortunately, it is heavily flavored with the author's own point of view and this detracts from its value as an objective source for public evaluation and criticism.

In spite of this finding by former security consultant, Volpe, Cushman, and the officers of the Fund for the Republic made two grants to Eleanor Bontecou. These are described in the Three-Year Report as being made to: (1) Permit her to finish a book for general sale entitled "The Price They Pay", dealing with the loyalty-security program, and (2) assist in the preparation of a book on the opinion of Judge Henry Edgerton.

Not only was Professor Cushman a consultant, he was also the recipient of a grant from the Fund of some \$20,000. This money was appropriated to Professor Cushman by the Fund for the Republic to enable him to finish two books. One—"Civil Liberties in the United States" was purchased by the Fund for distribution to press, lawyers, civic leaders, Freedom Agenda, and political science teachers. Needless to say, this book was an expansion of Cushman's opposition to loyalty-security programs, legislative investigating committees, and other programs primarily installed as a check of Communist subversion. In his book, Cushman continues his deceitful campaign of falsely misrepresenting the activities of instrumentalities exposing communism—such as the Committee on Un-American Activities—and impugning the integrity and honesty of the elected membership of this committee without fact to support his insinuations.

A typical misrepresentation. Cushman writes as factual:

The files assembled by legislative investigating committees are official Government records. They are the property of the Government to be used in the official work of the committee or other agencies of the Government. These files contain information about thousands of individuals, some of it reliable, some of it admittedly unsifted and therefore unreliable. The House Committee on Un-American Activities, from time to time allow access to its files, or release information from its files, to persons not connected with the Government; some of these persons were private or commercial Communist hunters, newspapermen, or radio broadcasters. Such bootlegging of the contents of official, confidential documents inflicts a serious injustice upon those whose names are thus improperly released to outsiders. In the light of this evidence of committee irresponsibility one can understand the adamant opposition of the President, the Attorney General, and Mr. J. Edgar Hoover, to demands that FBI records be turned over to congressional committees.

About the only claim of Cushman's quoted in the above paragraph that is factual is that the files assembled by legislative investigating committees are official Government records. He is mistaken both as to what the files actually contain and the use which is made of them. The files are the files of the House of Representatives and are made available to executive agencies of the Government to assist the executive department in conducting loyalty-security programs. They cannot be reviewed by the Executive as a matter of right. The files to which Cushman referred are not confidential files but are records which result from the indexing of public printed sources. Any citizen of the United States could go into a large public library, such as the New York City Library and obtain the information which is in

the files of the committee and which is made available to executive agencies of the Government or to Members of Congress.

Contrary to Mr. Cushman's claim, these files are not made available to persons not connected with the Government except as they might be released to such persons by individual Members of Congress, rather than the Committee on Un-American Activities. As a matter of fact, nearly all of the individual directors of the Fund's Communist history project have obtained these records through Members of Congress. As a matter of fact, several of these directors have become particularly incensed over the refusal of the committee to make the files available to them directly. One even went so far as to censor the chairman of the committee for his refusal to make records available on the claim that he had written to the chairman, not as the chairman of the committee, but as an individual Member of Congress and he therefore expected the documents which he requested.

The Committee on Un-American Activities maintains confidential files, the contents of which are released to no source outside of the committee. Only one time was there exception to this and this exception was made to Prof. Robert K. Carr, whom Professor Cushman had commissioned under a Rockefeller Foundation grant to write a book on the activities of this committee. This permission was given to Professor Carr after he had convinced the committee of his objectivity. The book by Professor Carr so perverted the facts which had been given to him that the committee has not granted the authority to any individual since that time.

Even Professor Cushman's claim which involves the opposition of the President, the Attorney General and Mr. J. Edgar Hoover, to the demands that the FBI records be turned over to the congressional committees, is far removed from fact. The individuals cited know that the Committee on Un-American Activities maintains confidential files and they have never interposed objections to turning over FBI records for the reasons claimed by Professor Cushman. The committee does not seek FBI records except for one instance in 1948, when evidence contained in the committee's file was in conflict with the assertions of the Administration as to the content of executive files. The reason the committee does not seek FBI records, and the reason why the FBI would be reluctant to surrender such records to a committee, if they were requested, revolves solely round the identity of informants. The committee which is dedicated to strengthening United States security, is not interested in tearing it down by learning the identity of FBI informants, whether criminal or subversive.

Moral integrity and intellectual honesty are reserved by Cushman for himself and those individuals who support the conspiratorial activities of Communists as an inalienable right guaranteed by the Constitution. In impugning the motivations of legislative committees investigating communism, or the people's chosen representatives, who head up these committees, Cushman offers opinion devoid of fact.

Congressional investigations intended to determine the nature of the Communist conspiracy and the extent to which it has infiltrated American society is characterized by Professor Cushman as punitive exposure of subversives. The men who headed these committees are described, in his book, *Civil Liberties in the United States*, financed and distributed by the Fund for the Republic, as men whose political fortunes are directly enhanced by the number of persons exposed as disloyal.

Cushman builds on an unsupported theory that political ambition is the sole reason for the investigations by the Congress. Cushman characterized congressional investigations as the most politically profitable activity in which a Congressman can engage. To emphasize this point, but completely overlooking the rules of the House of Representatives with respect to committee assignments, Cushman claims that it was reported in 1953 that 185 of 221 Republican Members of the House applied for membership on the House Committee on Un-American Activities. The propaganda nature of Cushman's book is evident to anyone taking the time to analyze it in light of the knowledge of activities engaged in by congressional committees. It is evident from reading the book and considering the ideological back-

## 91 VBZ - LINO

ground of President Hutchins, that both the grant of tax-exempt money to Professor Cushman and the distribution of the end product, which was his book, qualify him, as fulfilling Hutchins' criteria; namely, of having mature judgment on the subject, performing constructive work and determining that his propaganda was in the Fund's interest.

The fellowship grant aid program, of the Fund for the Republic has acknowledged in its Three-Year Report, two fellowships which resulted in books, one by Edward Shils, *The Torment of Secrecy*, and Martin Grodzins' *The Loyal and the Disloyal*. The fellowship to Martin Grodzins is established by the Fund as being for the purpose of "a study of the potential leadership of the extreme right and of the opposition to it." The fellowship to Edward Shils was established as being to permit him to complete a popular book for general sale on the loyalty-security problem, with emphasis on its application to scientists.

Martin Grodzins' fellowship for a study of the potential leadership of the extreme right resulted in his book, *The Loyal and Disloyal*. The research financed by the Fund was used as a buildup to part 5 of the book in which the author was severely critical of our loyalty investigations. The sources of the author's criticism, is not the Fund-financed research, but rather is it through the quoting by Grodzin of the prejudiced views of his sources, such as Walter Gellhorn, Robert K. Carr, Eleanor Bontecou, Marie Jahoda, Alan Barth, Hans Morgenthau, and Edward Shils. All are standard sources for the Fund's attack upon loyalty-security congressional investigations, or the other programs instituted by the State and Federal Governments for the purpose of limiting the operations of the Communist conspiracy.

With the views of these sources before him, Grodzins finds that a frequent criticism of the loyalty-security programs is that they utilize undemocratic procedures for democratic goals. Other than the prejudiced views of his sources, he offers no substantiation for his findings:

The loyalty-security programs produce reverse consequences. They weaken national loyalty rather than strengthen; they undermine, not increase, competence; they create more traitors than they uncover.

Edward Shils is a professor of social science, University of Chicago. He has opposed most procedures and legislation, instituted or enacted, for the purpose of restricting the activities of international Communist agents. Since its formation following the close of World War II, he has acted in an editorial capacity on the staff of the *Bulletin of Atomic Scientists*. This bulletin was established by those scientists engaged in our A-bomb development during World War II, who opposed the secrecy connected with the atom bomb development and the loyalty-security measures to which these scientific persons were subject.

In October 1952, Edward Shils edited the special edition of the *Bulletin of Atomic Scientists* which was devoted to the attacking of passport and visa policies of the United States, and provisions of the Internal Security Act of 1950 and the Immigration and Nationality Act of 1952. His opposition, together with the opposition of the *Bulletin* itself, has met the officers of the Fund for the Republic's standard for judgment and competence, together with the determination that with his and the *Bulletin's* views involve an area of interest to the Fund. The Fund for the Republic distributed 25,000 copies of a special issue of the *Bulletin of Atomic Scientists*, April 1955, to the clergy, law, press, et cetera, selected by the *Bulletin* for distribution. Edward Shils was the author of an article in this special issue which was entitled "Security and Science Sacrificed to Loyalty". In this article, Shils acknowledges the discontent of certain atomic scientists and their refusal to cooperate with the Federal Government in its security program:

During the war, scientists chafed at the restraints, complained to one another, and accumulated much distress about the restrictions imposed by the security system.

Typical of Fund for the Republic officers, or recipients of Fund grants, the same rules which apply to them, are not accorded by them to others. Edward Shils is no exception to this theory. Medford Evans is the author of the Secret War for the A-Bomb.

Edward A. Shils reviewed this book for the February 1954 issue of the Bulletin for the Atomic Scientists. Titled his review: "Conspiratorial Hallucinations" he, without proof, questions Evans' logic, integrity and even his sanity. Shils' unwillingness to accord to Evans the freedom of opinion which he demands for himself is demonstrated by his condemnation of the publisher of Evans' book. Wrote Shils:

What is appalling about this work is not just the fact that such an aphantasy has arisen in the mind of one man. It is rather the fact that a publishing house which seeks to become the rallying point of a responsible and intelligent conservatism, which this country needs, should publish such a frivolous work.

Shils vehemently condemns any reference to Harold C. Urey's affiliation with Communist-front organizations, or his support of known Communist causes. Urey was vice chairman of the board of sponsors of the Bulletin of the Atomic Scientists for the special issue published and circulated by the Fund for the Republic. J. Robert Oppenheimer was chairman at this time. Shils, with the same vehemence, condemns the Gray Commission's finding with respect to his loyalty. However, in his review of Evans, he accords to James Burnham, the author of the introduction to Evans' book, the same epitaph treatment without apparent shame or remorse. Of James Burnham, Shils wrote:

After his flirtations with totalitarianism and with large-scale political prophecy \* \* \* in sponsoring this book, he makes himself the sponsor of an intellectually and amorally irresponsible fantasy, which stands firmly in a 150 year old tradition of political paranoia and disruption.

Edward Shils' The Torment of Secrecy, the research of which was financed by the Fund for the Republic, is a standard Shils' product. However, as is the case with a propagandist, each advancement must include new gains if the following is to be appeased. He makes statements of fact and findings on subjects which neither he nor the Fund for the Republic has conducted research.

The New Leader, January 9, 1956, published an article by Edward Shils, the Poisoning of Political Discourse. The New Leader in acknowledging the controversial nature of the article identified it as being one of the angrier sections of Shils' The Torment of Secrecy.

The Poisoning of Political Discourse is the perpetuation of another Fund-financed propaganda piece, The Kept Witnesses. Like the latter article by Richard Revere, it charges that the former members of the Communist Party who have testified in Federal courts or before congressional committees, are willing to continue their career of personal rancor and hatred, as long as the Department of Justice pays. FBI undercover agents, most of whom had no interest in communism, but joined the party solely at the request of the FBI, are described by Shils as individuals who give the appearance of broken careers, embitterment, shady existence and moral instability.

We have earlier in this report discussed the Fund for the Republic project, involving the analysis of the testimony of Government witnesses by Stanford University School of Law. We have shown from their documentation that the results of their analysis of the testimony of Government witnesses had not been made public by January 1948. We have shown further that Stanford University School of Law analysis was limited to only the testimony of four witnesses. Therefore, Edward A. Shils' blanket condemnation cannot be based on any study which he has made of the record.

Eugene Lyons, roving editor of the Reader's Digest and author of Assignment in Utopia, The Red Decade, Our Unknown Ex-President, and Our Secret Allies: The Peoples of Russia, replied to the Edward Shils article in the New Leader of January 30, 1956. Wrote Mr. Lyons of Edward Shils' condemnation of those who had testified against the Communist conspiracy:

His readiness to denounce all those who in the past 10 years have given personal testimony about an incomparably greater



## 93 VBZ - LINO

crime—the Kremlin-directed conspiracy to destroy his country by infiltrating its government and subverting its institutions—indicates that he would withhold valuable information reflecting on Soviet spies, if he had it.

The chairman of the Committee on Un-American Activities has questioned whether or not the Fund for the Republic and its operations was a friend or foe of the international Communist conspiracy. That is was a friend of communism in this endeavor by Shils cannot be doubted. No wonder Eugene Lyons, in his reply to Edward Shils, was constrained to write:

Can anything be more mean spirited than his (Shils) blanket condemnation and reckless sneer of all former Communists who chose to make their special knowledge of Communist persons and their techniques available to the Government? Can anything be more ungenerous in his failure to make a single exception in his imputation of vicious and sick motivations to all who have given witness against Kremlin agents before legislative committees, in courtrooms, or in the Department of Justice inquiries?

Another benefactor of the Fund for the Republic's fellowship grant-in-aid program is Professor Walter Gellhorn. Gellhorn supposedly meets the test for integrity, constructive work, and engaging in activities which are of interest to the Fund for the Republic. He has associated in the past with Professor Cushman, consultant on this program in prejudiced attacks on legislative committees investigating communism. The Cornell series involving the Committee on Un-American Activities, the Tenney Committee of California, Washington State Committee, to name only a few, also resulted in books which the Fund for the Republic purchased and disseminated. He is the author of an article entitled "Report on a Report of the House Committee of Un-American Activities," which appeared in the Harvard Law Review of October 1947. This article built around the defense of the Southern Conference for Human Welfare condemned the Committee on Un-American Activities for exposing its Communist control. Incidentally, it is this same Southern Conference for Human Welfare which is to be the subject of discussion in the Fund's History of the Communist Party project, of which Gellhorn has been in some consultation. Gellhorn has a consistent record of opposing the Federal Government's loyalty-security programs, dated as far back as 1949.

Marie Jahoda, New York University, is a regular member of the Fund for the Republic team. She has been used to "further the interest of the Fund" on some of the Fund for the Republic most deceitful projects. Marie Jahoda was born in Vienna, Austria. An Austrian Socialist, she fled the rise of Hitlerism by moving to London, from whence she immigrated to the United States. In the early 1930's, she was an assistant to Dr. Paul F. Lazerfeld, whom she has assisted in his Fund for the Republic project Fear in Education.

Marie Jahoda has been rigging questionnaires, the answer of which were preconceived for many years.

In cooperation with Stewart W. Cook, she submitted an article for the Yale Law Journal entitled "Security Measures and Freedom of Thought: an Exploratory Study of the Impact of the Loyalty and Security Programs." The article results from a survey of security measures as they apply to the "college faculties and the Federal employees." The objectivity of this study is immediately apparent when we realize that the condemnation of the security measures dealt with in the article is based on interviews which were conducted with "15 faculty members from different universities and with 70 Federal employees of professional rank in Washington, D. C." Even the classification of Federal employees interviewed as being of professional rank is disputed, in light of the fact that some of the Federal employees were classified as GS-5.

The technique of the authors in conducting the interview is evident by the hypothetical situations which were created in the interview and the use which the authors used of responses to these hypothetical situations, for their condemnation of security measures. An example of this is set forth in the article:

Think of one of your colleagues at work, whom you know well enough to be convinced of his loyalty. I want to ask you a number of questions with regard to this colleague. Don't answer in general terms, but take a special situation and characteristics into account. Suppose that this person comes to you, obviously worried, to ask for your advice. He thinks that his loyalty is suspected. He has just discovered that his neighbor with whom he is on friendly visiting terms has been accused of being a Communist. Your colleague wonders what to do. The situation is complicated by the fact that he has just been offered a job outside the Government which is reasonably attractive, although he wouldn't ordinarily accept it. He is pondering the following alternatives: (1) Take the outside job. (2) Talk immediately to loyalty board or security officers about the situation. (3) Stay and wait without doing anything about it.

With the vast knowledge that the committee staff possess of the Federal loyalty-security program, it can be clearly stated that there are no provisions of the loyalty-security program which would justify the hypothetical situation presented by the authors. The Government employee would certainly not be the subject of any loyalty-security charges on the meager information contained in the hypothetical presentation. Therefore, in choosing this hypothetical situation, the authors were looking forward only to the use they could make of merely every answer as a criticism of the program as a whole.

The authors used their anonymous respondents to infer that Federal employees, holding high positions in Government, were becoming involved in investigations because of contributions of \$1 to an organization which turned out to be Communist. The authors also used their anonymous respondents to make charges that it was not the official loyalty program but the impact of congressional interference which prevents nonconservative people from getting jobs. Using the same anonymous respondents, the authors paint the loyalty-security program as being one which is suspicious of people with foreign-sounding names; having been in college during the depression; not members of an organized church; those who actively work in an election campaign; and union members because they are in the minority in Government.

An advocate of religion is not a free thinker, according to the authors, and the 20th century Christian ceases to believe in miracles.

This theory was used by the authors to explain how prior to World War II, when an applicant was not hired for Government service, it was assumed that he was not good enough for a position, while today it is assumed that he is a Communist. As set forth in the article, the comparison is treated as follows:

A Christian in the fourth century, when confronted with evidence that a dead person had stood up in his deathbed and lived, would probably have thought immediately of miracles and Divine interference. A 20th century Christian or a free thinker [atheist] confronted with the same fact would probably have his thoughts turn to the development of surgical skill in heart operations.

A Federal employee right before the last war, when confronted in a conversation with his superior's hesitation in accepting a possible candidate in his department, might have concluded that the candidate was not good enough for the job, or had an unpleasant personality. In 1951, as recorded above, the question is asked, Is he a Communist?

With 15 anonymous faculty members and 70 anonymous Federal employees to act as patsies, the authors covered the entire field. How this limited group could possess such wide knowledge, the authors did not bother to explain. They merely write:

The Hatch, McCarran, Smith Acts were brought into the field of discussion. Speeches in Congress, the role and functions of the FBI, departmental routine checks, and special investigations; security procedures, and loyalty procedures; State, municipal investigative programs; the Un-American Activities Committee; the procedures of broadcasting companies and of private industry; the activities of various private organizations self-appointed to improve the Attorney

## 95 VBZ - LINO

General's list of suspect organizations—they are all mentioned as an integral part of the security measures to which the respondents addressed their comments.

The authors also fail to explain the context in which there was discussed "the procedures of broadcasting companies and of private industries." Whatever the context, it was a subject of ignorance to Marie Jahoda, who in January 1955, wrote John Cogley, in connection with his request of her to "study the psychology of blacklisting." She wrote Cogley, "We are not familiar with the intricate structure of the entertainment industry." In accepting the offer of John Cogley to contribute to the Fund's propaganda study of blacklisting—movie, radio, television—Marie Jahoda acknowledged that Edward R. Murrow, whom we have previously discussed, was playing a role of directing the blacklisting project. In addition she submitted to Cogley a list of psychologists to participate in a conference for the purpose of establishing a strategy to be followed. Among those invited were Dr. Viola Bernard, Dr. Edward Boring, Dr. Stuart W. Cook, Dr. Nevitt Sanford, Dr. M. Brewster Smith, and Dr. Goodwin Watson.

An examination of the background of the above individuals recommended by Dr. Jahoda recalls the adage, "Birds of a feather flock together."

It will be noted that Viola Bernard was identified an active participant in a study of the impact of loyalty oaths; Dr. Jahoda failed to set forth that she was in opposition to the Committee on Un-American Activities and had publicly called for its abolishment.

Dr. Edward Boring, in addition to being chairman of the American Psychological Association's Committee on Freedom of Inquiry, had publicly opposed the Committee on Un-American Activities from the days when it was a special committee under the chairmanship of Martin Dies, of Texas. He has also publicly opposed legislation intended to restrict the activities of the Communist Party of the United States, its members, and its front organizations.

Stewart Cook, as reported above, collaborated previously with Dr. Jahoda, including the study of security measures, the finding of which were based on alleged interviews with 15 college faculty members and 70 government employees.

Dr. Sanford, as reported by Dr. Jahoda has published a study of the California University loyalty oath situation, and his lack of objectivity can be easily determined by a review of his published study.

Dr. M. Brewster Smith, in addition to opposing congressional investigations, opposes investigations of foundations. Rather than this bias disqualifying her or the other members of the panel discussion, it appears that her position on foundations was the factor which dictated her selection.

If there was needed further proof of the lack of objectivity of Dr. Jahoda, her recommendation of Dr. Goodwin Watson would in itself be sufficient. Dr. Watson's association and public activities, which have from time to time supported causes of international communism have been the subject of public discussion over many years. To remove him from the Federal payroll, the Congress of the United States enacted legislation withholding funds for the position which he held. He has been a witness before the Committee on Un-American Activities and has consistently and publicly called for its abolishment. While they knocked down the legislation denying funds to pay for Dr. Watson's employment, as a bill of attainder, he continued to support causes, including the Communist-directed riots which revolved around Paul Robeson's appearance in Peekskill, N. Y.

Not only was Dr. Watson suggested as participant in this conference, but the officers of the Fund for the Republic approved an award in his behalf similar to the Mary Knowles type award. Like the Mary Knowles award the officers of the Fund for the Republic approved the award, decided on the amount, recommended it to the Fund board of directors and then dispatched Maureen Black Ogden to make the investigation. By the time the Fund for the Republic got around to even considering the award to a medical center and to Community Chest groups, in up-State New York, there was not even a controversy remaining. Dr. Watson had been retained by the medical center in a consultant capacity. Maureen Black Ogden, the Mary Knowles

award investigator made no independent investigation surrounding Dr. Goodwin Watson. She interviewed only those individuals who supported the action of retaining Dr. Watson.

While three Community Chest groups were originally in this discussion revolving around Dr. Watson, Maureen Black Ogden recommended against an award to one, because she did not believe that the discontinuance of financial cooperation between the medical center and the Community Chest were as represented by even the proponents. She did not believe that the discontinuance resulted from the policy that recipients of Community Chest funds could not participate in other fund-raising activities. But as we have stated there was no controversy at the time the Fund considered the award, and the only purpose which could be served by the Fund for the Republic were reasons similar to the Fund's reasons for making the Mary Knowles award; namely, the encouragement of organizations to hire individuals who have long records of support of Communist causes, including one-time Communist Party membership, as in the case of Mary Knowles.

Without discussion, the directors of the Fund for the Republic on November 17, 1955, reconsidered their action and suspended the awards which it had previously voted. In suspending the award the Fund withheld its action from the press as contrasted to a nationwide press release at the time the award was made. Not until the 9th of December, did the Daily Times of Mamaroneck, N. Y., learn of the suspension of the award by making direct inquiry of the Fund itself. Fund propagandist, Joe Lyford, is quoted in the December 10 issue of the Daily Times as refusing to give a reason for the suspension "saying only that it had been discussed by the Fund's board of directors at a meeting on November 17." Lyford, according to the press, stated that while the awards had been suspended, the offer could be reexamined at any future Board meeting. The committee, in June 1957, asked the Fund for the Republic for the reasons behind the Fund's suspension of the awards. Verbally Fund counsel advised that the awards were in fact, canceled. By letter dated July 2, 1957, to Chairman Walter, he responded,

I am informed that the files do not reflect any reasons for the suspension. It was initiated by the members of the board of directors at a meeting.

The lack of objectivity on the part of the Fund for the Republic and its consultant, Professor Cushman, is reflected in its fellowship or grant-in-aid to John W. Caughley, University of California at Los Angeles. The Fund for the Republic publicly designates the purpose of the grant to Caughley as being "to complete a study of intellectual freedom in American colleges and universities since the close of World War II."

Caughley was 1 of 23 faculty members of the University of California who refused in 1949 to execute the university loyalty oath. Irrespective of the fact that the California courts declared the oath unconstitutional and Caughley was reinstated to his position, his objectivity in such a study is completely destroyed. His involvement in the University of California loyalty oath controversy was a matter of national knowledge and was certainly known by the Fund for the Republic when it granted the order.

Another grant of the Fund for the Republic was made to Laurent Brown Frantz for the purpose of analyzing the testimony of FBI Director J. Edgar Hoover before congressional committees. The Fund for the Republic in listing its recipients of fellowships and grants-in-aid for some reason fails to list the grant to Laurent Frantz. It could well be that the Fund for the Republic desired to withhold this information for the reason of the fact that Laurent Frantz has been publicly identified as a member of the Communist Party. By his own testimony before this committee it is evident that he was highly trusted by the Communist Party. In this testimony, while he denied a formal card-carrying connection with the Communist Party, Laurent Frantz testified that he had a key to the Communist Party headquarters and had access to it at any time he desired, such access including the Communist Party records. The committee staff, interested in how a Communist would analyze the testimony of FBI Director Hoover, has requested a copy of Frantz' analysis on several occasions from the Fund for the Republic. On one occasion, we were

## 97 VBZ - LINO

advised that the analysis was not available, and in a June 1957 conference a staff member of the committee was advised by Fund counsel that the Frantz analysis was in possession of Professor Rossiter, the director of the Communist history project. Counsel promised to obtain the analysis from Professor Rossiter and submit it to the committee for examination; however, again the Fund failed to comply with the committee request.

The committee staff does not possess sufficient staff to conduct a complete analysis or investigation of all recipients of Fund fellowships and grants-in-aid. It feels that the sampling which we have commented upon above, justifies a finding on the part of the committee that the program was designed for the purpose of propagandizing a way of life acceptable to the Fund for the Republic officers and Fund consultant, Robert Cushman.

It is evident from the nature of the grants that the objective presentation of facts which the Congress intended of all educational organizations qualified as tax exempt, is clearly not met in this program of the Fund for the Republic, nor in many of its other programs. There is no doubt that of the total expenditures of this program that a substantial financial contribution was made by the Fund for the Republic for the purpose of permitting the officers of the Fund, the Fund consultant, and the recipients of grants to propagandize the American people.

### DISTRIBUTION OF MATERIALS

The committee staff has previously stated, and it now wishes to repeat for emphasis, that we do not question the right of an individual to advocate whatever he desires to advocate, short of the advocacy of the overthrow of the United States by force and violence or other advocacies outlawed by our criminal statutes. We make a big distinction between an individual's advocacy of a cause of action and the adoption and perpetuation of the advocacy by a tax-exempt foundation. An individual, under the law, is not the recipient of tax-exempt privileges from the United States. The individual does not apply for tax-exempt privileges and, at the same time, agree to abide by the law and regulations adopted to support and strengthen the law, as a condition of tax exemption. It is the committee staff's considered opinion that the Fund for the Republic has attempted, by fraud, and misinterpretation of Treasury regulations, to carry out propaganda in violation of law and regulations. In calling attention to the findings relative to publications which the Fund for the Republic has purchased and distributed with tax-exempt money, the committee staff is dealing with the publication as a distribution of the Fund and not as a demand that the individual's right, to write as he pleases within the limits described in this section, be abolished or even restricted. They are discussed to show the propaganda nature of the Fund for the Republic and as expenditures which, added to other Fund expenditures, constitute a substantial expenditure of tax-exempt money in the interest of propaganda or in the interest of influencing legislation.

In other sections of this report of the Fund for the Republic, the committee has discussed the propaganda nature of such distributions of the Fund as Bulletin of Atomic Scientists, April 1955; The Oppenheimer Case, by Charles P. Curtis; National Security and Individual Freedom, by John Floyd O'Brien, a Fund director; A Way To Be Safe Is Never To Be Secure, by Charles P. Curtis; Cornell University Series on Civil Liberties—Civil Liberties in the United States: A Guide to Current Problems and Experience, by Robert E. Cushman, Fund consultant of fellowship and grant-in-aid program; The Pseudo-Conservative Revolt, by Richard Hofstadter; Clearing the Main Channel. the 1955 Annual Report of the American Civil Liberties Union.

At this point, let us examine one action of the officers which in effect ignored and reversed an official action of the directors. At a meeting of the directors held on November 18, 1954, the officers discussed approval of a series of pamphlets. This proposal was not clear to the directors so they authorized the officers to commission the preparation of a pilot pamphlet. At a meeting of the executive committee on December 9, 1954, Hutchins reported that

Richard Rovere had been requested by the officers to prepare a pilot pamphlet for board consideration, as an example of the type of publication which the Fund might undertake under the title "Occasional Papers."<sup>17</sup>

<sup>17</sup> Copy of minutes of the December 9, 1954, meeting.

Between this December meeting and a meeting in April 1955 Rovere completed his pamphlet and it was submitted to the directors. The directors rejected the pamphlet and at a meeting of the executive committee on April 7, 1955, it was announced by W. H. Ferry, vice president of the Fund, that the pamphlet had been returned to the author. The minutes quote Ferry as reporting that the pamphlet written by Rovere "had been returned to Mr. Rovere, who subsequently sold it for publication by Harper's Magazine." Rovere's article appeared in the May 1955 issue of Harper's under the title of "The Kept Witnesses." Apparently even before the article appeared on the newsstand the officers of the Fund, without advice from the directors, contracted for 25,000 reprints. In the name of the Fund for the Republic, this reprint was mailed to labor officials and business executives. "The Kept Witnesses" attacks the technique of the Federal Bureau of Investigation in placing undercover agents within the ranks of the Communist Party. It attacks the use of former Communist Party members by the Department of Justice in Communist trials and proceedings. It attacks the use of undercover agents and former Communists in Federal loyalty proceedings. These attacks are built around the theme that these persons are, as the title states, kept witnesses—witnesses who testify, not in accordance with the truth but in accordance with directives which they receive from the Department of Justice and the Federal Bureau of Investigation.

The Fund report of 1956, classifies "The Kept Witnesses" as relating to due process. It reads merely:

The Kept Witnesses by Richard H. Rovere. Article. Harper's 25,000 copies labor officials, business executives."

<sup>18</sup> The Fund for the Republic, Year report p. 58

The report is silent with respect to the rejection of "The Kept Witnesses" as a pamphlet of the Fund. It is also silent with respect to the fact that it was distributed as a reprint, in the name of the Fund, by the officers without consultation or approval by the directors.

The committee staff is unable to report, from records of the Fund for the Republic, the circumstances which led up to the Fund's commissioning Rovere to prepare the pilot pamphlet, or the details of his consultant capacity with the Fund. It is unable to do so, because the Fund has refused to produce the documents. Its first reason for refusal to produce was related to a libel action, which has been filed against both the Fund and the author of the pilot pamphlet, Richard Rovere, by Dr. Bella V. Dodd.

The subsequent and final declamation of the Fund to produce the Rovere document, as well as all other internal documents of the Fund, was in the form of the Fund's invocation of the Watkins decision of the Supreme Court by questioning the legislative jurisdiction of the committee. There can be little doubt that the Fund's refusal to produce these documents, together with the other documents that it has refused to produce, is intended to make difficult the further establishment of the Fund as a propaganda vehicle.

The intention of the Fund in commissioning the Rovere pamphlet is locked within the files and knowledge of Fund officers. We have previously shown how this pamphlet was rejected by the directors of the Fund has actually awarded, or appropriated funds to award, reprint of an article from a national magazine and then distributed in the name of the Fund by the officers of the Fund, in spite of its rejection by the board of directors. But irrespective of the intent, the effect is to dry up as sources of information, available to both the FBI and congressional committees, the flow of testimony from former members of the Communist Party. The propaganda attack which followed the Rovere article influenced both the courts and the Government itself. The administration thereafter dropped many former Communists from their consultant roles and made possible the non-detection of many subversive agents. We have previously shown how



## 99 VBZ - LINO

the Fund has actually awarded, or appropriated funds to award, those individuals who have refused to testify: Amos Landman was awarded by the officers themselves, by being given a position with the Fund.

Even in the case of employment of Amos Landman, the Fund for the Republic deceived the press and the American people about the circumstances which surrounded his employment. In a press conference held on November 7, 1955, Robert M. Hutchins defended the Fund's employment of Amos Landman by stating that he had been qualified for a part-time temporary press relations job he held from July 28 until last Tuesday. Amos Landman was employed as public relations director of the National Municipal League, from August 1, 1954, until July 1, 1955. On June 30, 1955, he was called before the Senate Internal Security Subcommittee, following his having been identified as a member of the Communist Party. Landman invoked the fifth amendment with respect to the testimony which the committee had taken in regard to his Communist Party membership. On July 1, 1955, he submitted his resignation, upon request, from the National Municipal League.

Landman prepared and submitted to the National Municipal League, a statement explaining his reasons for invoking the fifth amendment. This statement, the principal parts of which appeared in the press, claimed that he invoked the fifth amendment in order to avoid identifying other members of the Communist conspiracy. On July 13, 1955, Landman was recalled before the committee in order to test the validity of his invocation of the fifth amendment, which validity Landman had questioned in his statement and press release. In his second appearance, Landman still continued to refuse to discuss his membership in the Communist Party or to even admit that he had been a member, as had been testified to under oath.

Hutchins, in his press conference of November 1955, acknowledged that Landman was employed by the Fund for the Republic commencing July 27. What he did not point out to the press, was that the directors of the Fund for the Republic did not approve the employment of Landman, and as a matter of fact, were not even apprised of his employment until almost 2 months after he was employed. The board of directors of the Fund were apprised of Landman's employment by a memorandum from Robert M. Hutchins, dated September 16, 1955. Hutchins, in his memo of September 16, advised the directors that Landman had been hired as a temporary assistant in public relations to the Fund, at \$50 per day, per diem, on the understanding that he would work 3 days a week. Hutchins then advised that Landman had been very useful to the Fund and that he was seeking permanent employment on the days that he did not work for the Fund.

The claims of Hutchins that Landman was hired at \$50 per day, per diem, on the understanding that he would work 3 days a week, or that he was hired for a part-time temporary press relations job is certainly in variance with a document in the committee's possession covering his employment. On July 27, 1955, Joseph P. Lyford, the Fund propagandist, addressed a memo to Fund treasurer, Gardner. With respect to the terms of Landman's employment, Lyford wrote to Gardner that Landman was being retained by the Fund as a consultant in public relations for from 7 to 10 days. As to whether his consultancy constituted a part-time temporary press relations job, as alleged by Hutchins, it seems doubtful in light of Lyford's memo, that Landman would send Treasurer Gardner an accounting of the number of days he worked when his project is completed.

For his silence, the Fund for the Republic awarded Amos Landman, to the tune of \$2,575, for 32 full days and 19 half-days of work, or compensation in excess of \$15,000 per annum. As for Landman's contribution to the Fund for the Republic which would justify the payment of \$2,575, the Fund, in response to a request of the committee for copies of the work in which Landman participated, submitted a half dozen Fund for the Republic press releases.

It is little wonder that the directors of the Fund for the Republic at one of their first meetings in 1956, adopted a resolution which barred from employment with the Fund for the Republic such as Amos Landman. In spite of this resolution, the Fund for the Republic has appropriated several hundred thousands of dollars to conduct research

for the purpose of condemning the Government, private industry, and educational institutions for their refusal to continue Communists in their employment. The resolution as adopted by the board of directors of the Fund, reads as follows:

1. It shall be and is the policy of the Fund that no member of the Communist Party shall be employed for any purpose, and
2. No former member of the Communist Party and no person who has pleaded the fifth amendment relevant to circumstances will be employed for any purpose, or receive a grant-in-aid, or be given a fellowship, except with the approval of the board of directors.

Faceless Informers in Our Schools, is a pamphlet reprint of newspaper articles and editorials. The Fund for the Republic, using tax-exempt money, paid for the printing and distribution of 25,000 copies to State and local school-board associations. The pamphlet is an attempt to discredit the Federal Bureau of Investigation, congressional investigating committees, and school administrations throughout the United States, as a defense of Communist teachers who had been removed from their teaching positions. In the preparation of the series of articles, it is evident that the author utilized two codes of ethics. In quoting a United States Senator, whom the author claimed refuses to give information to the Federal Bureau of Investigation, the author gave the Senator's reasons, as follows:

He wouldn't say anything good or bad about an individual, so long as there was danger that his words, unevaluated and unauthenticated from another source, might be twisted into innuendo, suspicion, or used as a trap for a person not permitted to face the informant, used finally to bring professional and personal ruin to the individual.

The author of the series, approving of this position which he attributes to a United States Senator, rejects it in his attempt to intimidate the Federal Bureau of Investigation. In the main, these series of articles are unevaluated and unauthenticated, and have been twisted into innuendo, suspicion, or used as a trap for a person not permitted to face the informant.

In the first of the series of articles, it would appear that the author of the series engaged in considerable travel and research to obtain the evidence upon which his series was based. There can be no doubt that the author used the series for the purpose of traveling around the United States, from the east coast to the west. Two articles are devoted, exclusively, to California.

Claim that California, using "techniques of McCarthyism, years before McCarthy was heard of," takes high rank among the States in the vigor and expensiveness in which the investigation of Communist infiltration has been pursued. While several dozen California teachers have been public witnesses before the Committee on Un-American Activities, the author selects only two to document his "faceless informant" attack upon the FBI and legislative investigative committees. He used the two cases, in spite of his own observation, that "isolated cases obviously are not fair criteria of a general situation." One teacher whom the author kept anonymous was one whom admitting Communist Party membership, found herself in conflict with school administration on the date on which she served her Communist Party membership. She did not request a hearing on the charges because, according to her, "a member of the school board advised her privately to withdraw her request for a hearing." No effort was made on the part of the author to determine the facts from either the alleged school board member or the school administration authorities. The author preferred to condemn this severance of a teacher solely on the teacher's unverified word.

In another article relating to California, which appeared in the press of September 29, 1954, the author dealt with an ex-California teacher, "Harry Steinmetz, one of more than 100 dismissed from California schools and colleges since 1952 on suspicion—though not always on the direct charge—of subversive associations or belief." The background of Steinmetz is set forth in part, as follows:

Steinmetz was an associate professor of psychology at San Diego State College. Under the Dillworth law, and on information from an undisclosed source, Steinmetz was called before the State board of education. He refused to answer

## 101 VBZ - LINO

questions. Broadly stated, his position was that the board, or whoever had evidence reflecting on his loyalty, must prove his guilt. He said the board had no right to force answers from him that might be held to incriminate him, or to make his political beliefs an issue.

Let us compare the author's charge that Steinmetz was fired from his associate professorship at San Diego State College, "on information from an undisclosed source." Let us compare this statement with printed hearings of the Committee on Un-American Activities, released in April of 1953, a year and a half prior to the author's article of September 30, 1954. Examining the transcript of testimony taken by the committee on April 7, 1953, we find that a witness called by the committee was Harry C. Steinmetz, who identified himself as an associate professor at San Diego State College and is therefore the same individual referred to in the author's article. During the course of the testimony, he was confronted with the testimony of a witness before the committee who had identified him as a member of the Communist Party, and he invoked the privilege of possible self-incrimination in refusing to answer questions as to whether he had attended a Communist Party meeting with the witness. On other questions relative to his relationship with the Communist Party, Steinmetz invoked the protection of the 1st, 4th, 5th, 6th, 9th, and 10th amendments to the Constitution of the United States.

The newspaper originally publishing this series of articles, had a perfect right to misrepresent the facts if it desired to do so, which it apparently did. The Fund for the Republic in expending tax-exempt money to reproduce and distribute the series of articles to State and local school board associations, had a moral and legal obligation under the law to determine both the accuracy and the objectivity of the articles which it was reproducing with tax-exempt funds. This is especially true in light of the fact that several of the articles dealt with the Communist teacher situation in New York City and the State of New York.

The author of the series of articles received much of his critical information on New York City's handling of Communist teachers from the Teachers Union in New York City. This union was expelled from the A. F. of L. for its Communist domination, and it was known as a Communist-dominated union by everyone, including directors of the Fund for the Republic, since the early 1940's. Mr. Hutchins is probably the only exception. Hutchins did not know this fact, however, until March 1954. In February Hutchins had agreed to accept a Teachers Union award for his "valiant and unswerving defense of intellectual freedom." In March Hutchins sent the Teachers Union the following wire:

Reports that have just reached me regarding the political attitude and activities of the Teachers Union raise doubts about whether its views of academic freedom coincide with mine. I must, therefore, decline to accept the award the union has offered me.

Communist domination is still a political activity, and while Hutchins refuses to accept the Teachers Union award, he expends tax-exempt money to circulate as factual charges Teachers Union portrayals of the methods used by the city of New York in investigating Communist teachers. The incompetence of the Fund, in circulating "Faceless Informers in Our Schools" is demonstrated through the examination of a recommendation of Fund Director Schuster. This was adopted by the board of directors in 1953, long before the series of articles were even conceived.

### THE COMMUNIST INFLUENCE IN EDUCATION

Preamble: This survey should be divided into two parts, the first having to do with education in elementary and secondary school level, whether of public or private character. The second should be concerned with communism in colleges and universities.

1. Insofar as the first area is concerned, the Communist influence will probably be found restricted to urban areas. Information concerning some of these is available from a number of sources. In New York, for example, the central agency through which the party has worked is the Teachers Union, which was expelled from the CIO because it was allegedly dominated by Communists. Hearings conducted by the board of education have likewise unearthed considerable information.

Quite a little is likewise known about the methods employed by Communist teachers to recruit young people for the cause. The various pro-party organizations, e. g., A. Y. D. and Y. P., should, however, be investigated further, and

## 102 VBZ - LINO

if it is possible to secure assistance from the FBI in this matter, the study will be facilitated.

Attention should also be given to the camps maintained by pro-Communist organizations for indoctrination purposes.

A study of Communist attempts to capture Harlem and their failure to throw considerable light on the methods used and the extent of success.

The study should be so organized that the correcting body will include three school superintendents of established reputation. One of them might be Dr. Jantzen, of New York. And if it is possible to secure the services of a former highly placed FBI officer, the advantage would be very great. This study should also have the benefit of the advice of special legal counsel of the highest quality, of a distinct and well-informed labor official, and a trained specialist in social research. Parts of the study might be farmed out to other groups.

2. Insofar as higher education is concerned, various sources of information are likewise available. These include the findings of the New York Rapp-Condert committee, and the reports on situations existing in the University of California and Washington, but it must be recognized that the facts will be harder to come by than they are in the field of lower education.

The areas to be investigated are roughly comparable. They will include teacher organizations, publications (e.g., science and society), methods of influencing or infiltrating students' groups, in publications, etc.

A very important field for study is afforded by the special schools, such as the Thomas Jefferson School, in New York, which offered training in the social sciences.

This study should be so organized that while there will be an overall group responsible for the project as a whole, individual segments will be farmed out to groups specifically qualified to deal with segments of it.

In spite of this knowledge possessed by the directors of the Fund for the Republic, the Fund paid for the Communist-dominated attack by the Teachers Union of New York as used by the author of the series dealing with New York. The Fund for the Republic even financed hearsay, once removed. The Communist teachers, separated from the New York system, complained to the author of the series of articles, that the New York City school system was attempting to entrap them during preliminary interrogations. The author, unable to find proof, supports the claim of the Communist teachers with this statement:

Another New York school official, a recent visitor to Colorado, frankly told Dr. H. Greenvest, Colorado State school commission, that "we tried to trap them whenever we can."

The author of the series would have us believe that the word of the Communist teacher, who was either dismissed or who resigned rather than face the hearing, should be accepted without an attempt to verify. The author quoted these individuals as a condemnation of the New York system of removing Communists from the schools. The staff of the Committee on Un-American Activities has investigated and can establish the falsity of many of the situations reported by the author as being factual. The committee staff, of course, was unable to verify or even investigate the former schoolteacher who, according to the author of the series, just happened to be driving the taxicab that he ordered to take him to the offices of the New York City school system. This story served the purpose of the author and was reported by the author with the caption "True or False, Here Is His Story."

In order to demonstrate both the prejudice and smear technique of the author of the series, we shall discuss one of his New York cases, which the author builds around an interview with the assistant corporation counsel of the city of New York. Writes the author:

He told of one case in which a "source of information, formerly a Communist Party member, had stated that a schoolteacher, whose father had been a private music tutor, had been a member of the same Communist Party cell." In that particular case, the informer was completely mistaken. The person he accused was somebody else entirely, and fortunately for the teacher, that fact was proved in time. It would have been proved sooner if the accused teacher had been allowed to face the informer.

These are the facts as uncovered by the committee staff and in our opinion again adequately demonstrate the lack of objectivity on the part of the author. The source of information was as is quoted by the author of the series. However, the subsequent events developed in this manner. An investigation determined the identity of the schoolteacher who met the description given by the informant. The informant was a schoolteacher who had cooperated with the school authorities, and made available the knowledge the informant pos-

## 103 VBZ - LINO

sessed of the Communist Party, its operations and its members. The assistant corporation counsel thereafter ordered the school personnel section to have the employee brought before him for an interview. When the employee was interviewed, it was immediately learned that the background of her father did not coincide with the information given by the informant, and the interview was terminated. It was then found that within the school system, there were two teachers with the identical same name and that the personnel section had erred. The second teacher fit the description of the informant and was thereafter processed as a loyalty suspect case. As can be shown from the factual reproduction of events, there is absolutely no justification for the author's claim "the person he accused was someone else entirely, and fortunately for the teacher that fact was proved in time. It would have been proved sooner if the accused teacher had been allowed to face the informer."

The author of the series of articles dealt with teacher situations in Michigan and Baltimore where the committee also conducted investigations. And the author's technique of presenting unevaluated and unauthenticated material as factual can clearly be demonstrated by a review of the printed proceedings of the committee's investigations which are public property. Many items attributed to the committee or to the FBI cannot be answered with documentation because they are not based upon facts. The technique of the articles is similar to the adage which revolves around "If a lie is told often enough."

The unanswerable items revolve around the hearsay treatment. The author charges the Federal Bureau of Investigation and legislative committees as being "faceless informers" and supports it with such statements as "local school people understood the FBI was the source." The author using the same hearsay technique charged "the FBI was tied in there also, as providing aid to the committee" in connection with the committee's investigation of Communist teachers in Michigan and California. The author quotes the general counsel of the State department of education in New York as stating that they "get no information directly from the FBI" about subversion in the schools. Yet, to infer that the general counsel is a liar, he refers to anonymous individuals within the New York educational system as stating that they understood that the FBI was the source. Many more items could be documented as evidence against the appropriateness of the Fund for the Republic in expending tax-exempt money to reproduce and distribute the series of articles. There is no doubt in the mind of the committee staff that the distribution of this pamphlet to State and local school board associations is intended to protect the employment of Communist teachers in our educational institutions.

Tom Paine Talks Back to Providence is a reprint of an article by Henry Steele Commager from the Saturday Review. The Fund for the Republic expended tax-exempt money to reproduce and distribute 10,000 copies to "educators, lawyers, civic organizations, labor officials, United Christian Missionary Society and other denominational groups, Albany Board of Education." The article is a criticism, in satire, of the loyalty-security measures as they involve Communists employed in Government, as schoolteachers, etc. Commager, as author of the satire, creates a setting which infers that there is no difference between the advocacies of Tom Paine and the advocacies of the Communist Party, internationally, or in the United States. Commager creates the chairman of the committee questioning Tom Paine's loyalty, and places questions and statements in the mouth of the chairman to accommodate the answers of Tom Paine. Needless to write, Commager uses the article to justify two advocacies: the advocacy of the Communist Party of the United States which he defends through statements by Tom Paine, and the advocacy of himself with respect to loyalty-security measures. In 1947, even before the institution of the loyalty program by President Truman, Commager was protesting against one as the reincarnation of the "red scare in the twenties." By April of 1947, Commager was authoring such works as the Washington Witch Hunt, which appeared in the April 5 issue of the Nation. In this article, Commager charged that the Federal Bureau of Investigation wished "to deny Communists their constitutional rights of freedom of speech and of assembly." Between 1947 and 1949 Commager's attack was on the investigation of Communists in Government and the protection of

## 104 VBZ - LINO

Communists by his condemnation of congressional investigating committees. In July 1949 he authored Redbaiting in the Colleges, which appeared in an issue of New Republic. In this article, he protested the dismissal of Communist Party teachers by conferring upon the Communist Party of the United States the political status similar to that of the Democratic or Republican Party. Built around the three faculty members dismissed by the University of Washington as members of the Communist Party, Commager asked, "Could State or university authorities require teachers to reveal membership in the Democratic Party or Republican Party, or punish with dismal failure to reveal such membership?" By 1951, Commager was describing the loyalty oath as "fatheaded, feeble-minded."

By November 1955, when the Fund for the Republic expended tax-exempt money to reproduce and distribute Commager's satire treatment of loyalty-security measures, he was publicly exposing the atomic-energy security program, the denial of passports to Communists, the denial of employment to Communists in the movie-entertainment industry, opposition to congressional investigations of communism, opposition to legislation designed to contain the subversive movement of the Communist Party of the United States, and in his field of education the denial of employment to members of the Communist Party.

This committee staff feels that the Fund for the Republic, in reprinting and distributing this satire by Henry Steele Commager in effect weakened security measures, and endowing the right of a member of the Communist Party with the absolute right of being employed where he, the Communist, decides that he desires to work.

Government by Investigation is a book by Alan Barth, associate editor of the Washington Post and Times Herald, which the Fund for the Republic purchased 850 copies for distribution to certain members of the press and civic leaders selected by the publisher. Like Henry Steele Commager, neither the Fund for the Republic nor, we presume, even Mr. Barth himself would consider Government by Investigation as an objective work. Mr. Barth expresses his opinion that the Congress of the United States and the American people are not entitled to information on espionage conducted by the Soviet Government through the assistance of American citizens and residents unless there are indictments by a grand jury. He distorts proceedings of the committee and supplies justification for Communists who invoked the fifth amendment merely as a protection of the Communist conspiracy. With over a 15-year history of the Committee on Un-American Activities before him, which history does not reflect the conviction of one witness before the committee for perjury based on his testimony before the committee, Mr. Barth writes:

Any witness before a congressional investigation committee who denies Communist affiliation or sympathies runs the risk of having to defend himself against a perjury charge, and the defense may be exceedingly difficult. Some of the investigating committees turn readily, and with unreserved credulity, to one or another of an always available stable of ex-Communist professional witnesses, prepared at a moment's notice to remember anything about anybody at any time, no matter how remote in the past. Some of these witnesses possess a reservoir of recollections which, like the miraculous pitcher of Vaucis and Philimon, seem to replenish themselves whenever a congressional interrogator finds himself thirsty for new headlines.

Again, like Henry Steele Commager, the Fund for the Republic in distributing Alan Barth's book, knew the public record of Mr. Barth and his opposition to legislation such as the Internal Security Act of 1950, his attacks on the loyalty-security program, his writings and public speeches in opposition to congressional investigations of



## 105 VBZ - LINO

communism, and his approval of the contempt of Congress of many individuals cited for such contempt by the House of Representatives. His book, which the Fund distributed, is little more than a restatement of his position which he has expressed many times over in years past. The morgue of his own newspaper, the Washington Post and Times Herald, reflects the attacks which have been made by many Americans on the position earlier voiced and repeated in the book. This conflict alone testifies to the lack of objectivity of the book and disqualifies it as an item of proper distribution by a tax-exempt foundation. Its only accomplishment which the Fund for the Republic could hope for is the contribution which it would make to the destruction of the loyalty-security measures.

Erwin N. Griswold is a director of the Fund for the Republic and dean of the Harvard Law School. According to the Fund for the Republic, his book entitled "The Fifth Amendment Today" by Dean Erwin Griswold was reprinted and 35,000 copies distributed to the "bench and bar."

The preface to "The Fifth Amendment Today" acknowledges that the material contained in the body is not presented as a "scholarly essay." The preface does not state the purpose for which the material was presented other than to acknowledge that the book is a reprint of three speeches made on February 5, March 24, and October 4-19, 1954. The honesty with which the preface sets forth that the contents do not represent a "scholarly essay" could have been carried farther to state that at least the speech of February 5, 1954, which was made before the Massachusetts Bar Association, was for the purpose of explaining why Harvard had continued on its faculty individuals who had been witnesses before the Committee on Un-American Activities of the House of Representatives and the Senate Committee of the Judiciary, Internal Security Subcommittee.

These committees had brought before them identified Communists who had been active in the organization and operation of the conspiracy. They had been in contact with known and convicted espionage agents. They had been in charge of secret finances of the Communist Party. They had used their influence to penetrate the legitimate trade unions in their area. They possessed knowledge of the conspiracy which was vital to the security of the United States. These Harvard faculty members refused to answer questions relating to their membership in the Communist Party or their activities on behalf of the Communist Party on the ground that to do so would tend to incriminate them. This conduct on their part was condoned by Harvard and they were retained on the faculty on the basis of the recommendation of the dean of the law school. Condonement of this conduct by Harvard was protested by portions of Harvard alumni, faculty, and trustees. To answer these attacks, Griswold made his speech of February 1954.

If those witnesses from Harvard faculty who appeared before the congressional committees and invoked the fifth amendment had honestly advised the university of the activities in which they engaged as members of the Communist Party, Griswold, in his speeches, could have set forth these facts as proof of the innocence of their association and as justification for their retention. This he could not do, and knew it. Therefore, it was necessary for him to invent two hypothetical members of Harvard faculty, one a member of the Party and the other its supporter. Let's examine the first hypothetical Harvard professor and, if you will, compare his activities with the activities of those actually questioned. You will find there is no resemblance and Griswold does not expect you to find a resemblance because, in the course of his speech, he stated, "Now you may say that this is all very unlikely. To this I reply that I am, for the moment, only assuming a hypothetical case, and I should be able to assume any hypothetical case I want." Those Harvard faculty members questioned by congressional committees were not hypothetical. They were real. The activities in which they engaged were not hypothetical treason against a hypothetical government, but conspiratorial acts against a government which through their membership they were dedicated to destroy.

But let's look at Griswold's Communist. Griswold describes him as a college teacher who—

## 106 VBZ - LINO

in the relative calm period of the past middle 1930's, on the solicitation of a friend, he went to a Communist meeting and soon joined the Communist Party. At that time the Communist Party was perfectly legal, and regularly appeared on our ballot. He thought he was simply joining a political party. One of the reasons that led him to join was that he regarded fascism as highly immoral and a great danger to the world, and he felt that the Communists were fighting fascism in Spain at this time. His interest was not merely in protecting Spain but, because the danger which many men then feared most was that of the spread of fascism, the thought that fighting fascism in Spain was an important means of guarding against such a danger here. \* \* \* Our teacher was in a Communist cell, with other teachers. The Communists had great plans for this group. They wanted to use it to infiltrate American education. However, the Communist command was canny. They knew that many or all of the members of this cell of teachers were politically innocent, and that they would recoil quickly from any proposals for sabotage or the use of force and violence. So they treated this group with great care. The group was never subjected to the rigors of Communist discipline. It was a study group, and its discussions were kept on a high intellectual plane. The more sordid features of the Communist doctrine were kept thoroughly in the background. Our teacher never engaged in espionage or sabotage or anything like that, and never saw or heard of any such activities by any members of his group. He would have been horrified by any such actions.

Griswold does not assign to his hypothetical Communist any other role than the infiltration of American education. Griswold's hypothetical Communist continued his membership for over 13 years, until the Korean invasion in 1950. Griswold admits that he was not always happy about the activities of the Communist Party. This was all that he states:

Nevertheless, there were things from time to time which he did not like. He rationalized them in various ways: Nothing can be perfect; the thing to do is to stay inside and work against excesses; and so on. Besides, he was a stubborn fellow. Once having started on something he thought was good, he did not lightly give it up.

Griswold can create a hypothetical Communist, but the Communist Party is not hypothetical. The black-belt program of the Communist Party for the Negro people and its attempt to speak for them through the National Negro Congress was not hypothetical. The Communist Party's attack upon the Government of the United States during the Hitler-Stalin pact was treasonable, but not hypothetical. The Soviet domination of the Communist Party was not hypothetical. While this control was concealed from a great deal of the Communist membership, it was openly exposed through the Duclos letter in 1945.

Griswold's hypothetical case contains such facts as the one relating to the Communist Party being on the ballot in the middle 1930's. But Griswold did not choose to advise his readers that because his hypothetical Communist was a teacher, he would be assigned to a professional group, which group was underground and not an organizational part of the Communist Party that was above ground with its name on a political ballot. In addition, Griswold did not choose to advise that his hypothetical Communist would not have been permitted to use his true name and therefore had to assume an alias. But, of course, in America in the 1930's even Democrats and Republicans joined their respective parties by the use of an alias, that is, hypothetically speaking. Griswold acknowledged that the Communists "had great plans for this group [teachers]." Griswold must therefore know of the plans which the Communist Party of the world has for education. He also therefore knows the role which the Communist teacher properly played in those plans. He most certainly has studied

## 107 VBZ - LINO

the Communist program and reviewed the Party's instruction to its teacher members. Knowing this, he knows that the Communist Party has instructed its teacher member to indoctrinate without exposing himself by injecting Marxism, Leninism into every class. We learn the propaganda extent of Dean Griswold's hypothesis when we observe his describing his hypothetical Harvard Communist as being honest and sincere; further, that he is a "good teacher and works hard on his subjects."

Griswold, in his description of his hypothetical Communist, acknowledges how the Communist Party keeps away from certain of its members the activities in which other of its members are engaged. He does this to justify how his hypothetical Communist would know nothing about force and violence, sabotage, espionage or other Communist acts which you and I abhor. It serves Griswold's hypothetical position to take this course. However, this line of reasoning is out when we desire to change the context. When Griswold's hypothetical Communist is faced with the responsibility of testifying before a committee of Congress, then the activities of the Communist Party are so open and so well known to all other members that he invokes the fifth amendment in order to keep from talking about other people. Griswold states his hypothetical Communist was convinced that "many of the people who had been associated with him in the venture were just as innocent of wrongdoing as he was sure he was."

But then again, maybe he was not as sure of his innocence as Griswold pretends because later in the reprint of the speech when the hypothetical Harvard Communist is before the Committee on Un-American Activities and has denied that he is currently a member of the Communist Party, he invokes the fifth amendment because he sees the "jail doors opening up if he himself gives the evidence that he was once a Communist" because he knows that a number of Communists have been convicted under the Smith Act. It is assumed that Griswold is now talking about the Smith Act of 1940 as it appears on the statute books and not some hypothetical statute which has not been enacted. If he is referring to the Smith Act which is on the books, Griswold then knows and certainly, as dean of the Law School, should know that his hypothetical case could not be prosecuted under that statute. Griswold admits that past membership in the Communist Party is not a crime in itself and admits that those persons prosecuted under the Smith Act were prosecuted because of current membership in the Communist Party, plus what Griswold refers to as "something else". Thereafter, in order to make a case for the fifth amendment, in the absence of a case which he now has on the basis of his hypothetical facts, Griswold infers that the man fears the manufacture by the Government of the United States of false testimony against his hypothetical Communist and that this fear thereby justifies the invocation of the fifth amendment. I should like to ask those students of the law to compare Griswold's analysis of the fifth amendment and his knowledge of the Communist Party in light of his analysis of the Supreme Court's decision in *Rogers v. United States*, 340 U. S. 367 (1951). The recitation to the decision, which is factual, sets forth: "In that case, a witness testified that she had been treasurer of a local Communist Party, had had possession of the records, and had turned them over to another person. She then declined to name the person to whom she had given them, claiming the privilege under the fifth amendment. The Supreme Court held that by giving the testimony she did she had waived the privilege, and that she was guilty of contempt for refusing to answer the further question." Interpreting this decision, Griswold sets forth in the printed copy of his speech:

My guess as to the law is that the Rogers case applies only where the witness has given an incriminating answer to a prior question. I do not think it would apply if a witness was asked if he had been a member of the Communist Party in 1945, and he said "No." \* \* \* Nevertheless, it will take a Supreme Court decision to provide this clarification of the Rogers case; and counsel advising a client may well hesitate to make his client bear the risk and expense of taking a case all the way to the Supreme Court. With the Rogers case on the

## 108 VBZ - LINO

books, the only safe advice may be to claim the privilege at the earliest possible moment, so as to be sure to avoid a charge of waiver.

The Rogers case grew out of an investigation by an Indiana grand jury of the Communist Party of Indiana. Rogers was subpoenaed before the grand jury along with other officials of the Communist Party in connection with this investigation. Rogers, subpoenaed as the secretary of the Communist Party, admitted to holding that position. She admitted having been custodian of the Communist Party's records and, when asked to produce the records, stated that she did not have them because she had surrendered custody to another individual. She was then asked to identify the individual to whom she had turned over the records of the Communist Party of Indiana, which she refused to do and which resulted in her contempt-of-court conviction. She has never been indicted by a grand jury because of her mere membership in the Communist Party and was convicted of contempt of court solely because of her refusal to identify the individual to whom she had turned over the Communist Party records. While it is true that the Rogers case relates to the question of waiver of immunities, the Rogers case also puts to a lie the supposition of many that for an individual to admit party membership lays that individual, per se, open to indictment under the Smith Act.

The Rogers case decision also establishes the point of law that the witness does not have a right to refuse to answer solely as a protection from identifying another member of the conspiracy. But the Rogers case, even though the learned dean could not understand the decision, was brought into the matter in order to permit him to apologize for the refusal of Communist teachers to answer such questions as "Have you ever taught Communist doctrine in your classroom?" or "Have you ever solicited students to join the Communist Party?"

Dean Griswold commented on the refusal to answer these questions in the following manner: "These refusals have been deeply disturbing to the public. Yet, the answer to these questions may be 'No'; but the witness nevertheless fears that he cannot give that answer without its being said that he has waived the privilege as to questions about other sorts of Communist activities. Here again we have a situation where the obvious inference from the refusal to answer the question may be completely unwarranted." This statement returns us once again to the knowledge which Dean Griswold possesses of the Communist Party. It is known that every member of the Communist Party whose occupation was that of a teacher, whether it be grammar or high school or higher institutions of learning, was required by Communist Party discipline to carry his Communist indoctrination into the classes. All Communists to some degree carried out these instructions. Those who did not were not members of the Communist Party for periods longer than weeks or a few months. But Dean Griswold's hypothetical 13-year Communist certainly carried on this activity many, many times. Anyone who knows the organizational structure of the Communist Party knows that no Communist of 13 years' duration could have answered "No" to either of the questions quoted above. Therefore, an inference of guilt is not unwarranted in this case.

The speech of October 14, which was repeated on October 19, was intended to lay low any interpretation of guilt which someone might attach to an invocation of the fifth amendment. As Dean Griswold set forth, "Many people have approached the fifth amendment in recent months in a rigid and mechanical way. They say: 'A person claiming the privilege against self-incrimination under the fifth amendment, or under a similar provision of a state constitution, is guilty or else he is lying. Anyone can see that.' They say: 'It's as simple as two plus two equals four. There are only two ways. If he claims the privilege honestly, he must fear incrimination, which means that if he answers the question, he must admit that he has committed a crime. And if he claims the privilege dishonestly, of course he is lying, and since he is under oath, he has committed perjury. No other explanation is logically possible.' That is what we are often told. And on either basis, the person claiming the

## 109 VBZ - LINO

privilege has condemned himself, and should be forthwith dismissed from whatever he has been doing, and generally blacklisted and deprived of his livelihood. Indeed, this position has been taken \* \* \* in a number of proceedings." The most personal of these proceedings were of course those involving the faculty of Harvard who had appeared before congressional committees, invoked the fifth amendment and were retained by Harvard on the recommendation of Dean Griswold. Here again Dean Griswold takes liberty with the truth by extending the demand of the American people that Communists should not be employed in government, in our schools or in other sensitive positions or in positions where they can use their prestige to indoctrinate on the part of the Communist Party, to include all walks of life and places of employment. In other words, Dean Griswold is giving a right to employment to Communists or former Communists, which right is not given by any matter of course to a non-Communist. But again if Harvard's position in retaining those who appeared before congressional committees and invoked the fifth amendment is to be upheld, then it is necessary to destroy the inference which is taken from their invocation of the fifth amendment. But between February, when Dean Griswold made his first speech, and October, when this speech was made, it was necessary to amend the absolute which he had first set forth relative to an inference which would be taken from the invocation of the fifth amendment. Dean Griswold now assumes that some inferences of guilt are proper and he accepts the inference in the case of a bank teller who invokes the privilege when questioned as to whether he stole thousands of dollars. He accepted as proper the teller's dismissal from the bank solely on the invocation of the fifth amendment, without due process of law. He says that this is different from the case of the fifth-amendment member of the Harvard faculty. Where do we differentiate in this matter? Dean Griswold tells us:

The first matter to which I think we should give careful attention in all of these cases is *the nature of the question which is asked* and which the witness refuses to answer under the shelter of the fifth amendment. Here again the problem is one of degree. There is no clear and sharply demarcated line. The question whether a bank teller stole funds entrusted to him is one sort of question. But the closer the question asked gets to the area of opinion and political belief, the less significant, I suggest to you, is the refusal to answer questions. Or, to put this another way, the more interrogation gets into what might be called the free-speech area of the first amendment, the more difficult it is to come up surely with a sound inference from the refusal to answer questions.

Assuming that the Communist Party is a conspiracy to overthrow our Government by force and violence, using murder and all other evil methods that Communists have shown they are capable of, Griswold states that this is not comparable to the bank teller because the question relating to Communist Party membership is not how bad communism and the theft of the bank teller are, but what conduct the person we are considering actually engaged in. Griswold takes the position that with respect to a person who was a member of the Communist Party the great majority of them in joining the party and in operating within the party for a period of as long as 13 years were acting on thoroughly political reasons which were 100 percent innocent. Again referring to the inference to be drawn from the invocation of the fifth amendment, Griswold sets forth that "there may in fact be no clear or compelling basis for drawing any inference against the person claiming the privilege against self-incrimination when the question he refuses to answer is one which is, or which he feels to be, directed to his opinions or political beliefs. And this has been true of many of the unanswered questions in recent years." Not only do we have Griswold now referring back to Communist Party membership and activities engaged in by one of its members as opinion and political belief, we now have him stating that opinions or political beliefs were the reason many witnesses appeared before the committees in recent years and refused to answer questions, invoking the fifth amendment.

## 110 VBZ - LINO

Numerous other illustrations which could establish the propaganda nature of Dean Griswold's speeches could be illustrated. To do a complete and thorough job would require more words than are contained in the three speeches analyzed herein. The above seems to adequately document the point we are trying to make.

It is to be observed that in 1954, during the period of these speeches, there was pending in State and Federal courts litigation with which Dean Griswold disagreed, not for any legal reason, but political or moral reasons. One was the case of Harry Slochower, a New York teacher who was dismissed from his employment under a New York statute which provides for dismissal upon the invocation of the fifth amendment. The other was the Paul Sweezy case pending in New Hampshire and growing out of Sweezy's refusal to answer certain questions before a legislative tribunal under the directorship of the Attorney General of New Hampshire. The third was the Federal immunity statute which was being tested in the case of William Ullmann before a Federal grand jury. We have commented upon Griswold's position involving Harry Slochower in the discussion and analysis between Slochower and the bank teller who was suspected of stealing money. Dean Griswold approves dismissal of the bank teller, but opposes the dismissal of Slochower. In the Paul Sweezy case, and of course Dean Griswold does not refer to the individual by name, but merely refers to a proceeding pending in New Hampshire, Griswold finds that the first amendment to the Constitution protects Sweezy in his refusal to answer at least one of the items for which he was indicted. With respect to the immunity statute, Griswold, and here again we have an admission on his part that his opinion is not based on any legal study, observes "this statute gives protection against prosecution, and thus meets the literal objective of the Constitution. Nevertheless, because I attach so much importance to the fifth amendment and the values which it symbolizes, I look with misgiving upon this statute." \* \* \*

Within weeks after the October 1954 speech, the Fund for the Republic contracted to distribute these nonscholarly essays which were designed to educate the people into an acceptance of a position taken by Harvard to attorneys and members of the Federal bench. The political campaign in which Dean Griswold was involved, which prompted these speeches, was not disclosed in the book or by any document which accompanied the distribution of the book. Immediately the political nature of the book came under attack and it was charged that the Fund for the Republic, by distributing this book with tax-exempt moneys, was aiding the cause of international communism. This charge was somewhat documented by the fact that immediately after its distribution many witnesses appearing before congressional committees used Dean Griswold's book as their reason for refusing to answer questions relating to their membership in the Communist Party. On top of this, the Emergency Civil Liberties Committee reprinted the speech of February 5, 1954 and the Fund for the Republic financed this reprint. The Emergency Civil Liberties Committee is presently engaged in a campaign to abolish congressional committees investigating communism and to destroy the FBI or at least its subversive section. In addition, the Senate Internal Security Subcommittee in its publication "Handbook for Americans" characterizes the Emergency Civil Liberties Committee as the current legal arm of communism.

To overcome the criticism voiced of the Fund for the Republic in distributing Dean Griswold's "The Fifth Amendment Today", the Fund for the Republic reprinted and distributed a scholarly essay of the fifth amendment, by C. Dickerman Williams, a professor of law at Fordham University, which essay appeared in the Fordham Law Review. However, while the Fund distributed 35,000 copies of Dean Griswold's, they distributed only 1,000 of C. Dickerman Williams' and did not send C. Dickerman Williams' to those who had received Dean Griswold's. It is no wonder that we find the Supreme Court in the Harry Slochower case quoting Dean Griswold on vio-



## 111 VBZ - LINO

lution of due process by congressional committees. Dean Griswold has been opposing congressional committees as far back as 1947 when he opposed appropriations for the Committee on Un-American Activities and called for its abolition. In "The Fifth Amendment Today," Dean Griswold had to attack what he called the lack of due process by congressional committees because he established this as a reason, among other reasons, for which a witness could properly refuse to testify about his affiliations with the Communist Party. Another reason for refusal was set forth by Dean Griswold "as a gesture of opposition to the procedure of proscribing organizations without giving them the right to be heard." In 1951, Dean Griswold, invoked the same reasoning for his refusal to revoke the charter of the Harvard Lawyers Guild, an affiliate of the Communist-controlled National Lawyers Guild. Said Dean Griswold at that time: "Suppressing an organization is a very serious step to take. \* \* \* The report of the Committee on Un-American Activities raises questions. \* \* \* But we do not feel that we should suppress this local group because that committee, without notice or hearing, has issued a report attacking the national organization with which the student group is affiliated." Dean Griswold, therefore, overlooked the evidence and permitted law students to subject themselves to Communist indoctrination, because the National Lawyers Guild did not get a hearing. Time will tell if his decision offered to international communism any young Harvard law students. We pray not.

"To Insure the End of Our Hysteria" is a reprint of an article from the New York Times of December 14, 1954. It was reprinted by the Fund for distribution by the present legal guardian of the Communist Party; namely, the Emergency Civil Liberties Committee, a fact which demonstrates the lack of objectivity of the article's contents.

The author of the article is Paul G. Hoffman, former head of the Ford Foundation, and, according to the article's footnote, "now chairman of the board of the Studebaker-Packard Corp." The reason for concealing the fact that Mr. Hoffman was chairman of the board of directors of the Fund for the Republic is not given. The reason is, however, very evident upon examination of the arguments of hysteria which the author both creates and then calls for their abolishment.

Mr. Hoffman had before him the results of a survey, conducted with Fund money by Dr. Samuel A. Stouffer, which showed that less than 3 percent of the people exhibited fear as a motivation of their actions and demands against Communists or communism. Yet Mr. Hoffman disregards this evidence and charges in his article that "the complex of fear that has spread over America during the past 8 years, and particularly the past 4," has brought "this great Nation a period of near-panic of a kind it never knew before."

The fear which Hoffman was trying to sell in the article was not of the conspiracy itself, but, rather, "our method of combating" that which he described as "the vicious threat of communism to our security." The point he was trying to make related to those opposing internal communism rather than to an argument that there was no justification for the opposition. It appears that, if Mr. Hoffman had been placed in charge of the campaign of opposing "the vicious threat of communism to our security," the methods selected would then have been motivated by a patriotic desire to secure the United States from its enemy. Because he was not given this authority, he disapproves of the methods selected and in his article describes the methods as an outlet of "psychopathic desires" on the part of individuals leading the opposition of the vicious threat of communism. Without evidence, he described those opposing the vicious threat as "petty thought controllers" and included among them—

professional and political exploiters, some of whom were in some measure sincere but most of whom colored their sincerity with ambitions for personal power and advantage.

It must be borne in mind that these characterizations are not based on evidence but are rather slogans used to attack those representing a position to which Hoffman found himself in opposition. It typifies a conduct which Mr. Hoffman was warned against by the Fund's Committee on the Legacy of American Liberty:

it would greatly promote common understanding if those who disagree as to the means by which the ends of freedom are

reliably achieved, would state their differences in terms of factual propositions about such means, rather than as slogans in an ideological battle.

Slogans are the tried and true method of selling which Hoffman has used since he started selling cars in 1911. The use of a slogan eliminates the use of factual presentation of merchandise or advocacy. David Lawrence, in his article "Fund Accused of Propagandizing", deals with the slogans of the Fund. His point is equally applicable to the slogans of Hoffman as contained in To Insure The End of Our Hysteria. Wrote Lawrence:

It is the main thesis of the projects sponsored by the Fund for the Republic that ideas and freedom of thought are being suppressed. This is an old cry. Dwight Eisenhower, in a speech on October 3, 1952, called that contention a sophisticated lie as he outlined the specious claims of those who consider communism just a political faith instead of a criminal conspiracy. He said that this lie "partly poisoned two whole decades of our national life" and that it meant "contamination in some degree of virtually every department, every agency, every bureau, every section of our Government." He added:

"It meant a government by men whose very brains were confused by this opiate of deceit. These men were advisers in a foreign policy that—on one side of the word—weakly bowed before the triumph in China of Communists hailed as 'agrarian reformers.' On the other side of the world, this policy condoned the surrender of whole nations to an implacable enemy whose appetite for conquest sharpened with every victory. This penetration meant a domestic policy whose tone was set by men who sneered and scoffed at warnings of the enemy infiltrating our most secret counsels. It meant—in its most ugly triumph—treason itself."

This is the Eisenhower concept on which was based a successful appeal to the American people. Yet the Fund for the Republic is out to prove that it was all a myth or the result of a "social pressure \* \* \* that has tended to suppress conscientious nonconformity."

- "Evening Star, September 16, 1955

Hoffman decries both the advocacy and the acceptance of the fact that there are individuals who, in opposing restrictions on Communists, are concealed party members, or dangerous sympathizers. Hoffman aids these individuals by inferring that the charges against the majority are not true. Their identity would permit establishment of their membership or sympathy, however, this he omits. The slogan approach covers the guilty with the blanket of some innocent individuals who must be included within the slogan. But Hoffman does not live by the moral rule which he insists upon for others. In 1951, speaking before the Indiana Bankers Association, he defended Justice Douglas' right to recommend recognition of Red China, but attacked those who advocated what he described as "fortress America." These individuals he described as being next to the ardent Communist, a person best liked by the Communist, an active "hard-shell isolationist."

Hoffman has opposed loyalty-security programs for many years. Calling the loyalty test as "silly and unsound," he had urged the Senate Foreign Relations Committee to authorize a relaxation of such programs. As Administrator of the Economic Cooperation Administration, he argued that the program barred the employment of "very good people".

## 113 VBZ - LINO

In this article distributed by the Fund, Hoffman was still characterizing legislative investigations of Communists as "witch hunting". Actions by the American Legion, Veterans of Foreign Wars, and other patriotic organizations were proclaimed as spy hunts conducted without regard to law and the traditional functions of American justice. His writing of lawflouting organizations and people engaging in vigilante methods suggests that both Federal and State law-enforcement agencies were refusing to enforce the law. However, while portrayed as factual, no evidence was presented to document the charges. The slogan is "hysteria" and it is difficult to distinguish from the hysteria slogan of the Communist Party.

The article is typical of both Mr. Hoffman and the Fund for the Republic, of which he was chairman of the board. When the article was written, the Fund was almost 2 years old. Today it is over 5. Yet, neither Mr. Hoffman in the article nor the Fund in any of its major or even minor undertakings has bothered to tell what communism is or how it operates. In March 1953, Mr. Hoffman wrote a letter in which he set forth: "I am well aware of its menace and also of the diabolical skill with which Communists cover up their activities." This knowledge he and the Fund have kept to themselves. By slogans, they have whispered that communism was bad. By expenditures in excess of \$2 million; they have portrayed it as a political party whose members are merely controversial. Mr. Hoffman, as chairman of the Fund, has asked us to remember that among the most controversial figures of all history were "Moses, Jesus, Mohammed and—in our time—Mahatma Gandhi." Undoubtedly he desired to compare these religious leaders with the other controversialists of history; namely, Marx, Engels, Lenin, Stalin, and Khrushchev.

This memorandum finds that the Fund for the Republic, in presenting this biased political interpretation of the fifth amendments to attorneys and the Federal bench, was in violation of the provisions of section 501.C (3); in that the document was political propaganda, and further, that by distributing it to the Federal bench it was interfering case, declared unconstitutional a New York State statute.